

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 1049 of the Regular Session**

1 State of Arkansas

As Engrossed: S3/14/07 H3/26/07 H3/29/07

2 86th General Assembly

**A Bill**

3 Regular Session, 2007

SENATE BILL 855

4  
5 By: Senator Glover

6 By: Representatives E. Brown, Harrelson

7  
8  
9 **For An Act To Be Entitled**

10 AN ACT AMENDING ARKANSAS LAW CONCERNING  
11 PROCEDURES AND DEADLINES FOR ELECTIONS; AND FOR  
12 OTHER PURPOSES.

13  
14 **Subtitle**

15 AN ACT AMENDING ARKANSAS LAW CONCERNING  
16 PROCEDURES AND DEADLINES FOR ELECTIONS.

17  
18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 *SECTION 1. Arkansas Code § 2-16-504 is amended to read as follows:*

22 *2-16-504. Petition to establish district.*

23 *(a)(1) Upon the petition of fifty (50) landowners filed with the*  
24 *county court or courts in which a proposed district lies, the county court or*  
25 *courts shall declare that a threat to the agricultural economy of the*  
26 *proposed district exists by reason of the uncontrolled growth of Johnson*  
27 *grass.*

28 *(2) The county court or courts shall cause the question of*  
29 *whether the district shall be established and this subchapter shall be*  
30 *enforced in the district to be submitted to the landowners of the proposed*  
31 *district.*

32 *(b)(1)-~~(A)~~ Immediately upon the submission of the petition to the*  
33 *county court or courts, the court or courts shall issue a proclamation*  
34 *calling the election in accordance with § 7-5-103(b) and notify the county*  
35 *board or boards of election commissioners in writing, ~~and the county board or~~*



1 ~~boards of election commissioners shall call a special election to be held not~~  
2 ~~less than thirty (30) days nor more than sixty (60) days after the filing of~~  
3 ~~the petition. The election shall be held on a date in accordance with § 7-5-~~  
4 ~~103(b) but in no event more than ninety (90) days following publication of~~  
5 ~~the proclamation.~~

6 ~~(B)(2) This special election shall be held for the purpose of~~  
7 ~~submitting to the landowners of the proposed district the question of whether~~  
8 ~~the district shall be established and the provisions of this subchapter shall~~  
9 ~~be enforced in the district.~~

10 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
11 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

12 ~~(B)(i)(a) A special election held in a month in which a~~  
13 ~~presidential preferential primary election, preferential primary election,~~  
14 ~~general primary election, or general election is scheduled to occur shall be~~  
15 ~~held on the date of the presidential preferential primary election,~~  
16 ~~preferential primary election, general primary election, or general election.~~

17 ~~(b)(1)(A) If a special election is held on the~~  
18 ~~date of the presidential preferential primary election, preferential primary~~  
19 ~~election, or general primary election, the issue or issues to be voted upon~~  
20 ~~at the special election shall be included on the ballot of each political~~  
21 ~~party.~~

22 ~~(B) However, a separate ballot~~  
23 ~~containing only the issue or issues to be voted upon at the special election~~  
24 ~~shall be prepared and made available to a voter requesting a separate ballot.~~

25 ~~(2) No voter shall be required to vote~~  
26 ~~in a political party's presidential preferential primary election,~~  
27 ~~preferential primary election, or general primary election in order to be~~  
28 ~~able to vote in the special election.~~

29 ~~(ii) A special election scheduled to occur in a~~  
30 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
31 ~~third Tuesday of the month.~~

32  
33 SECTION 2. Arkansas Code § 3-8-205, concerning the conducting of local  
34 option elections, is amended to read as follows:

35 3-8-205. Determination of sufficiency of petition – Calling of  
36 election.

1 (a)(1) When thirty-eight percent (38%) of the qualified electors shall  
2 file petitions with the county clerk of any county within this state praying  
3 that an election be held in a designated county, township, municipality,  
4 ward, or precinct to determine whether or not licenses shall be granted for  
5 the manufacture or sale or the bartering, loaning, or giving away of  
6 intoxicating liquor within the designated territory, the county clerk within  
7 ten (10) days thereafter shall determine the sufficiency of the petition.

8 (2) The total number of voters registered as certified by the  
9 county clerk to the Secretary of State by the first of June of each year  
10 pursuant to Arkansas Constitution, Amendment 51 shall be the basis upon which  
11 the number of signatures of qualified electors on petitions shall be  
12 computed.

13 (3) A person shall be a registered voter at the time of signing  
14 the petition.

15 (b) If it is found that thirty-eight percent (38%) of the qualified  
16 electors have signed the petition, the county clerk shall certify that  
17 finding to the county board of election commissioners, and the question shall  
18 be placed on the ballot in the county, township, municipality, ward, or  
19 precinct at the next biennial general election as provided in § 3-8-101.

20 (c)(1) If an appeal is taken from the certification of the county  
21 clerk, it shall be taken within ten (10) days and shall be considered by the  
22 circuit court within ten (10) days, or as soon as practicable, after the  
23 appeal is lodged with the court.

24 (2) The circuit court shall render its decision within thirty  
25 (30) days thereafter.

26 (d) If an appeal is taken, the election shall be had ~~within thirty~~  
27 ~~(30)~~ no sooner than sixty-five (65) days after the appeal is determined, if  
28 the decision is in favor of the petitioners.

29 (e)(1)(A) The decision shall be certified immediately to the county  
30 board of election commissioners, and the day for the election shall be fixed  
31 by the county board of election commissioners for not earlier than ~~twenty~~  
32 ~~(20)~~ sixty-five (65) days nor later than ~~thirty (30)~~ ninety (90) days after  
33 the certification of the decision of the circuit court.

34 (B) Any appeal from the final decision of the circuit  
35 court shall be taken within ten (10) days and shall be advanced and  
36 immediately determined by the Supreme Court.

1           (2) In that event, the county board of election commissioners  
2 may, in its discretion, delay the election until after the final decision of  
3 the Supreme Court.

4           (3) If the decision is in favor of the petitioners, then the  
5 county board of election commissioners shall set the day for the election,  
6 which shall be not earlier than ~~twenty (20)~~ sixty-five (65) days nor later  
7 than ~~thirty (30)~~ ninety (90) days after the final decision of the Supreme  
8 Court.

9  
10           SECTION 3. Arkansas Code § 3-9-206(b), concerning the conducting of  
11 referendum elections, is amended to read as follows:

12           (b)(1) The election shall be called by order of the quorum court in  
13 accordance with § 7-5-103(b) and held and conducted in accordance with § 7-5-  
14 103(b) and the results certified under the supervision of the county board of  
15 election commissioners in the manner provided by the election laws of this  
16 state.

17           ~~(2)(A) The county board~~ order of the quorum court shall fix the  
18 date of the election not less than ~~thirty (30) days nor~~ more than ~~sixty (60)~~  
19 ninety (90) days from the date ~~the election was called pursuant to~~  
20 ~~subdivision (a)(1) or (a)(2) of this section~~ of the order and give notice  
21 thereof by publication in a newspaper of general circulation in the city or  
22 county by at least two (2) insertions, the last being not less than ten (10)  
23 days prior to the election.

24           ~~(B)(i) The election shall occur on the second Tuesday of~~  
25 ~~any month, except as provided in subdivision (b)(2)(B)(ii) of this section.~~

26           ~~(ii) Elections held in months in which a~~  
27 ~~presidential preferential primary election, preferential primary election,~~  
28 ~~general primary election, or general election is scheduled to occur shall be~~  
29 ~~held on the date of the presidential preferential primary election,~~  
30 ~~preferential primary election, general primary election, or general election.~~

31           ~~(2)(A)(i) If an election is held on the date of the presidential~~  
32 ~~preferential primary election, preferential primary election, or general~~  
33 ~~primary election, the issue or issues to be voted upon at the election shall~~  
34 ~~be included on the ballot of each political party.~~

35           ~~(ii) However, separate ballots containing only the~~  
36 ~~issue or issues to be voted upon at the election shall be prepared and made~~

1 ~~available to voters requesting a separate ballot.~~

2 ~~(B) No voter shall be required to vote in a political~~  
3 ~~party's presidential preferential primary, preferential primary, or general~~  
4 ~~primary in order to be able to vote in the election.~~

5 ~~(b) Elections scheduled to occur in a month in which the second~~  
6 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

7 (3) The county board shall tabulate the votes and certify the  
8 results to the county clerk within ten (10) days after the election.

9  
10 SECTION 4. Arkansas Code § 6-14-102(d), concerning annual school  
11 elections, is amended to read as follows:

12 (d) The board of directors of any school district shall have the  
13 authority to request the county board of election commissioners to call a  
14 special election to be held on a date in accordance with § 7-5-103(b)(3) and  
15 (4) for the purpose of considering a rate of tax for additional millages for  
16 maintenance and operations or for debt service as authorized by Arkansas  
17 Constitution, Amendment 74, provided that:

18 (1) All constitutional and statutory requirements for a special  
19 school election are met; and

20 (2) The date of the election is approved by the commissioner~~s~~.  
21 and

22 ~~(3)(A) The special election is held on the second Tuesday of any~~  
23 ~~month, except as provided in subdivision (d)(3)(B) of this section.~~

24 ~~(B)(i)(a) Special elections held in months in which a~~  
25 ~~presidential preferential primary election, preferential primary election,~~  
26 ~~general primary election, or general election is scheduled to occur shall be~~  
27 ~~held on the date of the presidential preferential primary election,~~  
28 ~~preferential primary election, general primary election, or general election.~~

29 ~~(b)(1)(A) If a special election is held on the date of the~~  
30 ~~presidential preferential primary election, preferential primary election, or~~  
31 ~~general primary election, the issue or issues to be voted upon at the special~~  
32 ~~election shall be included on the ballot of each political party.~~

33 ~~(B) However, separate ballots containing only the issue or~~  
34 ~~issues to be voted upon at the special election shall be prepared and made~~  
35 ~~available to voters requesting a separate ballot.~~

36 ~~(2) No voter shall be required to vote in a political party's~~

1 ~~presidential preferential primary, preferential primary, or general primary~~  
2 ~~in order to be able to vote at the special election.~~

3 ~~(ii) Special elections scheduled to occur in a month~~  
4 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
5 ~~Tuesday of the month.~~

6  
7 SECTION 5. Arkansas Code § 6-14-111 is amendment to read as follows:  
8 6-14-111. Ballots - Write-in candidates.

9 ~~(a) The county board of election commissioners of the county in which~~  
10 ~~the school district is domiciled for administrative purposes shall prepare~~  
11 ~~and furnish ballots and all other necessary supplies for the annual school~~  
12 ~~election.~~

13 ~~(b)(1) The county board of election commissioners shall place on the~~  
14 ~~ballots as candidates for school district director names of any qualified~~  
15 ~~voters whose names have been filed and verified by the county clerk of the~~  
16 ~~county in which the school district is domiciled for administrative purposes.~~

17 ~~(2) The county clerk of the county in which the school district~~  
18 ~~is domiciled for administrative purposes shall certify to the board of~~  
19 ~~election commissioners that the petition contains the names of at least~~  
20 ~~twenty (20) qualified registered voters who are residents of the district and~~  
21 ~~respective electoral zone, if directors are elected from zones, at least~~  
22 ~~forty five (45) days before the annual school election.~~

23 ~~(3) Candidates shall circulate the petitions no earlier than~~  
24 ~~ninety (90) calendar days before the annual school election.~~

25 ~~(c) Votes for a write-in candidate for school district director shall~~  
26 ~~not be counted or tabulated unless not later than forty (40) days before the~~  
27 ~~annual school election the candidate notifies in writing the county board of~~  
28 ~~election commissioners of the county in which the school district is~~  
29 ~~domiciled for administrative purposes of his or her intention to be a write-~~  
30 ~~in candidate.~~

31 (a)(1) All candidate filings pursuant to this subchapter shall be with  
32 the county clerk of the county in which the school district is domiciled for  
33 administrative purposes; and

34 (2) All actions required of county boards of election  
35 commissioners shall be performed by the county board of election  
36 commissioners of the county in which the school district is domiciled for

1 administrative purposes.

2 (b) The county board of election commissioners shall prepare and  
3 furnish ballots and all other necessary supplies for the annual school  
4 election.

5 (c) A candidate for a position on the board of directors of a school  
6 district may qualify for the ballot by filing a petition or filing a notice  
7 of write-in candidacy.

8 (d) The petition shall be directed to the county clerk and shall  
9 contain the names of at least twenty (20) registered voters who are residents  
10 of the district and, if applicable, the electoral zone for the position.

11 (e) The petition and the candidate's political practices pledge shall  
12 be filed with the clerk during a one-week period ending at 12:00 noon sixty  
13 (60) days before the annual school election.

14 (f)(1) Candidates may begin circulating petitions not earlier than  
15 ninety (90) days before the annual school election.

16 (2) A signature dated more than ninety (90) days before the  
17 school election shall not be counted by the clerk as a valid signature.

18 (g) Votes for a write-in candidate for school district director shall  
19 not be counted or tabulated unless the candidate files with the county clerk  
20 during a one-week period ending at noon fifty-five (55) days before the  
21 annual school election:

22 (1) A written notice of his or her intention to be a write-in  
23 candidate; and

24 (2) The political practices pledge.

25 (h) The county board of election commissioners shall place on the  
26 ballot as candidates for school district director the names of any qualified  
27 registered voters whose political practices pledges have been filed and whose  
28 petitions have been filed with and verified by the county clerk of the county  
29 in which the school district is domiciled for administrative purposes.

30 (i)(1) On the day after the deadline for candidates to file for a  
31 position on the board of directors by petition, the county clerk shall  
32 certify to the board of election commissioners the names of those candidates  
33 who are registered voters in the school district and the electoral zone, if  
34 applicable, and who have qualified for the ballot by petition.

35 (2) Immediately after the close of the write-in filing period,  
36 the county clerk shall certify to the county board of election commissioners

1 any write-in candidates who have filed notices and political practices  
2 pledges with the clerk.

3 (j) The order in which the names of the respective candidates are to  
4 appear on the ballot shall be determined by lot at the public meeting of the  
5 county board of election commissioners held not later than fifty-five (55)  
6 days before the annual school election.

7  
8 SECTION 6. Arkansas Code § 6-14-121 is amended to read as follows:  
9 6-14-121. Runoff elections.

10 (a)(1) Whenever there are more than two (2) candidates for election to  
11 any position on a school district board at any election held in this state  
12 and whenever no candidate for any district position receives a majority of  
13 the votes cast for the office or whenever there is a tie vote, there shall be  
14 a runoff election held in the district.

15 (2) The names of the two (2) candidates receiving the highest  
16 number of votes, but not a majority, shall be placed on the ballot to be  
17 voted upon by the qualified electors for that position on a school district  
18 board.

19 (3) The runoff election shall be held three (3) weeks following  
20 the date of the election.

21 (b) The person receiving the majority of the votes cast for the  
22 position at the runoff election shall be declared elected.

23 (c) If one (1) of the two (2) candidates who received the highest  
24 number of votes for a position withdraws prior to certification of the result  
25 of the school election, the remaining candidate who received the most votes  
26 at the school election shall be declared elected to the office and there  
27 shall be no school election runoff.

28 ~~(e)~~(d)(1) In the event that the two (2) candidates seeking election to  
29 the same district position shall receive the same number of votes in a runoff  
30 election, a tie shall be deemed to exist.

31 (2) The county board of election commissioners shall determine  
32 the winner by lot at an open public meeting and in the presence of the two  
33 (2) candidates.

34 ~~(d)~~(e) The provisions of this section are intended to be in addition  
35 to and supplemental to the laws of this state pertaining to the election of  
36 school district boards of directors.



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*SECTION 7. Arkansas Code § 6-14-122 is amended to read as follows:  
6-14-122. Consolidation, annexation, or merger of districts.*

*(a) The consideration of the question of the consolidation or annexation of two (2) or more school districts, or parts thereof, in their entirety, kindergarten through twelfth grade (K-12), may be made at the annual school election with the issue of combining the districts and the levying of a specified tax millage to support the new district placed on the ballot as a single issue in order to assure that when the two (2) or more districts, or parts thereof, are combined into one (1) district, a single millage will be levied for support of the new district.*

*(b) The boards of directors of the districts may, by resolution duly adopted and with the approval of the Commissioner of Education, set a date for the annual school election in that year for the districts involved on a date other than the date set in § 6-14-102 for all school districts, provided only one (1) annual school election may be held in any school district in one (1) calendar year.*

*(c) If the State Board of Education is petitioned by the board of directors of a school district or districts, by resolution duly adopted by majority vote of each of the local boards, or when petitioned by at least twenty-five percent (25%) of the qualified electors of a school district or districts as certified in writing by the county clerk of each county where the school district or districts are located, the state board may call a special election to be held in accordance with § 7-5-103(b) to consider the question of consolidation or annexation of the school districts as otherwise allowed for in subsection (a) of this section.*

*(d)~~(1)~~ The special election on consolidation or annexation shall be held by the same officials at the same polling places, and the returns shall be made, canvassed, and published in the same manner as is provided by law for annual school elections.*

~~*(2)(A) The special election shall occur on the second Tuesday of any month, except as provided in subdivision (d)(2)(B) of this section.*~~

~~*(B)(i)(a) Special elections held in months in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election,*~~

~~1 preferential primary election, general primary election, or general election,  
2 (b)(1)(A) If a special election is held on the date of the presidential  
3 preferential primary election, preferential primary election, or general  
4 primary election, the issue or issues to be voted upon at the special  
5 election shall be included on the ballot of each political party.~~

~~6 (B) However, separate ballots containing only the issue or  
7 issues to be voted upon at the special election shall be prepared and made  
8 available to voters requesting a separate ballot.~~

~~9 (2) No voter shall be required to vote in a political party's  
10 presidential preferential primary, preferential primary, or general primary  
11 in order to be able to vote in the special election.~~

~~12 (ii) Special elections scheduled to occur in a month  
13 in which the second Tuesday is a legal holiday shall be held on the third  
14 Tuesday of the month.~~

~~15 (e) If an election is not held in the newly formed district, the vote  
16 on the millage for the newly formed district will be held at the next annual  
17 school election.~~

18  
19 SECTION 8. Arkansas Code § 6-53-307(e), concerning county support of  
20 technical colleges, is amended to read as follows:

21 (e)~~(1)~~ Any election called by the quorum court pursuant to this  
22 section shall ~~occur on the second Tuesday of any month except as provided in~~  
23 ~~subdivision (e)(2) of this section~~ be called pursuant to the proclamation  
24 issued by the quorum court and held in accordance with § 7-5-103(b).

25 ~~(2)(A)(i) Elections held in months in which a presidential  
26 preferential primary election, preferential primary election, general primary  
27 election, or general election is scheduled to occur shall be held on the date  
28 of the presidential preferential primary election, preferential primary  
29 election, general primary election, or general election.~~

30 ~~(ii) If an election is held on the date of the  
31 presidential preferential primary election, preferential primary election, or  
32 general primary election, the issue or issues to be voted upon at the  
33 election shall be included on the ballot of each political party.~~

34 ~~(2) However, separate ballots containing only the issue or  
35 issues to be voted upon at the election shall be prepared and made available  
36 to voters requesting a separate ballot.~~

1 ~~(b) No voter shall be required to vote in a political party's~~  
2 ~~presidential preferential primary, preferential primary, or general primary~~  
3 ~~in order to be able to vote in the election.~~

4 ~~(B) Elections scheduled to occur in a month in which the~~  
5 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
6 ~~month.~~

7  
8 SECTION 9. Arkansas Code § 6-53-602 is amended to read as follows:  
9 6-53-602. Formation of a proposed district.

10 (a)(1) Upon request of the local board of a technical college or the  
11 Arkansas Higher Education Coordinating Board acting as a local board of a  
12 technical college, the coordinating board shall determine whether formation  
13 of a proposed technical college district is feasible according to criteria  
14 established by the coordinating board for the formation of a technical  
15 college district.

16 (2) The boundaries of the technical college district are to be  
17 determined by the local board or the coordinating board acting as the local  
18 board.

19 (b)(1) Within ten (10) calendar days after the coordinating board  
20 determines that the formation of a proposed district is feasible, the local  
21 board or the coordinating board acting as the local board shall notify the  
22 county board of election commissioners in each county of which any portion is  
23 in the proposed technical college district that an election will be held to  
24 determine whether the district shall be formed and whether an ad valorem tax  
25 shall be levied on property in the district to fund site acquisition,  
26 construction, equipping, and operation of the college.

27 (2)(A) The local board or acting local board shall issue a  
28 proclamation and set a date for the election ~~to be held at a time not less~~  
29 ~~than thirty (30) calendar days after the local board or acting local board~~  
30 ~~notifies the county boards~~ in accordance with § 7-5-103(b), but in no event  
31 later than ninety (90) days after the publication of the proclamation.

32 ~~(B)(i) The election shall occur on the second Tuesday of~~  
33 ~~any month, except as provided in subdivision (b)(2)(B)(ii) of this section.~~

34 ~~(ii)(a)(i) Elections held in months in which a~~  
35 ~~presidential preferential primary election, preferential primary election,~~  
36 ~~general primary election, or general election is scheduled to occur shall be~~

1 ~~held on the date of the presidential preferential primary election,~~  
2 ~~preferential primary election, general primary election, or general election.~~

3 ~~(2)(A)(i) If an election is held on the date of the presidential~~  
4 ~~preferential primary election, preferential primary election, or general~~  
5 ~~primary election, the issue or issues to be voted upon at the election shall~~  
6 ~~be included on the ballot of each political party.~~

7 ~~(ii) However, separate ballots containing only the~~  
8 ~~issue or issues to be voted upon at the election shall be prepared and made~~  
9 ~~available to voters requesting a separate ballot.~~

10 ~~(B) No voter shall be required to vote in a political~~  
11 ~~party's presidential preferential primary, preferential primary, or general~~  
12 ~~primary in order to be able to vote in the special election.~~

13 ~~(b) Elections scheduled to occur in a month in which the second~~  
14 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

15 (3) The local board or acting local board shall specify the  
16 wording of the ballot to be used for the election utilizing appropriate  
17 language similar to that found in § 6-61-513(c), and the county boards of  
18 election commissioners shall conduct the election in the manner provided by  
19 law for special elections.

20 (c)(1) Except as provided in subdivision (c)(2) of this section, if  
21 the establishment of a proposed technical college district fails because of  
22 an adverse vote by a majority of the qualified electors of the proposed  
23 district voting thereon at the election, no new election for the  
24 establishment thereof shall be held within a period of one (1) year after the  
25 date of the election.

26 (2)(A) If the formation of a proposed technical college district  
27 fails and the majority of votes cast in one (1) or more counties or cities in  
28 a proposed district were against the formation of the district, the local  
29 board or acting local board may notify the county boards of election  
30 commissioners that an election will be held on the issue of forming a  
31 proposed district that does not include the county, city, counties, or cities  
32 in which the issue failed.

33 (B) The local board or acting local board shall issue a  
34 proclamation and set a date for the election in accordance with § 7-5-103(b)  
35 ~~to be held no less than thirty (30) calendar days after the local board or~~  
36 ~~acting local board notifies the county boards.~~

1                   (C) The procedures for an election to form a proposed  
2 reconstituted district shall be identical to the procedures for an election  
3 to establish a technical college district.

4           (d)(1) If the local board or acting local board of a technical college  
5 determines that the question of a tax levy in the technical college district  
6 should be submitted to the electors after the district is formed, it shall  
7 certify the millage requested to the county board of election commissioners  
8 of each county of which any portion is in the technical college district.

9           (2) The county boards shall place the question of the levy on  
10 the ballot at the next general election if the date of the general election  
11 is not less than ~~thirty (30)~~ sixty (60) calendar days after the county boards  
12 receive certification from the local board or acting local board.

13           (3)~~(A)~~ In the alternative, the local board or acting local board  
14 may set a date for a special election ~~at a time not less than thirty (30)~~  
15 ~~calendar days after the local board or acting local board notifies the county~~  
16 ~~boards~~ in accordance with § 7-5-103(b).

17                   ~~(B)(i) The special election shall occur on the second~~  
18 ~~Tuesday of any month, except as provided in subdivision (d)(3)(B)(ii) of this~~  
19 ~~section.~~

20                   ~~(ii) Special elections held in months in which a~~  
21 ~~presidential preferential primary election, preferential primary election,~~  
22 ~~general primary election, or general election is scheduled to occur shall be~~  
23 ~~held on the date of the presidential preferential primary election,~~  
24 ~~preferential primary election, general primary election, or general election.~~

25           ~~(2)(A)(i) If a special election is held on the date of the~~  
26 ~~presidential preferential primary election, preferential primary election, or~~  
27 ~~general primary election, the issue or issues to be voted upon at the special~~  
28 ~~election shall be included on the ballot of each political party.~~

29                   ~~(ii) However, separate ballots containing only the~~  
30 ~~issue or issues to be voted upon at the special election shall be prepared~~  
31 ~~and made available to voters requesting a separate ballot.~~

32                   ~~(B) No voter shall be required to vote in a political~~  
33 ~~party's presidential preferential primary, preferential primary, or general~~  
34 ~~primary in order to be able to vote in the special election.~~

35           ~~(b) Special elections scheduled to occur in a month in which the~~  
36 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~

1 ~~month.~~

2 (4) The special election shall be conducted in the manner  
3 provided by law for other special elections.

4  
5 SECTION 10. Arkansas Code § 6-61-512 is amended to read as follows:

6 6-61-512. Formation of district - Election - Date.

7 ~~(a) The date of the election shall be set by the Secretary of State in  
8 accordance with § 7-5-103(b), at a time not less than thirty (30) days from  
9 the date of notification of the county board of election commissioners.~~

10 ~~(b)(1) The election shall occur on the second Tuesday of any month,  
11 except as provided in subdivision (b)(2) of this section.~~

12 ~~(2)(A)(i) Elections held in months in which a presidential  
13 preferential primary election, preferential primary election, general primary  
14 election, or general election is scheduled to occur shall be held on the date  
15 of the presidential preferential primary election, preferential primary  
16 election, general primary election, or general election.~~

17 ~~(ii) If an election is held on the date of the  
18 presidential preferential primary election, preferential primary election, or  
19 general primary election, the issue or issues to be voted upon at the  
20 election shall be included on the ballot of each political party.~~

21 ~~(2) However, separate ballots containing only the issue or  
22 issues to be voted upon at the election shall be prepared and made available  
23 to voters requesting a separate ballot.~~

24 ~~(b) No voter shall be required to vote in a political party's  
25 presidential preferential primary, preferential primary, or general primary  
26 in order to be able to vote in the election.~~

27 ~~(B) Elections scheduled to occur in a month in which the  
28 second Tuesday is a legal holiday shall be held on the third Tuesday of the  
29 month.~~

30  
31 SECTION 11. Arkansas Code § 6-61-602 is amended to read as follows:

32 6-61-602. General operations - Millage taxes.

33 (a) In the event the local board of a community college wishes to  
34 spend larger sums of money than the state funds provided for general  
35 operation of the community college for whatever reasons consistent with the  
36 state law, it shall be lawful for millage to be levied from time to time to

1 provide additional operation funds.

2 (b) The millage can be approved at the election to create the  
3 community college district or the question of approving the millage can be  
4 submitted to the voters of the district from time to time thereafter at  
5 special or general elections.

6 (c)(1) The local board of each community college shall certify, within  
7 the time provided by law, to the appropriate tax levying authority of each  
8 county or city of the district the aggregate millage to be levied for the  
9 district for operating purposes and indebtedness purposes, and the millage  
10 shall be levied and collected in the manner provided by law.

11 (2) If the amount of the budget to be supported from taxes  
12 levied by the district is in excess of the amount to be produced from taxes  
13 then authorized for the district, after allowing for tax proceeds pledged for  
14 indebtedness purposes, the local board of the community college shall  
15 certify, at least sixty (60) days before any election upon which the millage  
16 may be voted, the additional millage required to the county board of election  
17 commissioners of each county of which any portion is in the community college  
18 district. However, millage together with the rate then levied will not exceed  
19 ten (10) mills.

20 (3) The question of the levy shall be placed on the ballot at  
21 the next following general election or a special election called for that  
22 purpose pursuant to § 7-5-103(b) as determined by the local board.

23 (d)(1)(A) When the local board of a community college determines that  
24 the question of a tax levy in the district should be submitted to the  
25 electors of the district at a special election, it shall adopt a resolution  
26 to that effect and shall file a certified copy of the resolution with the  
27 county board of election commissioners of each county of which any portion is  
28 in the district that a special election shall be held in the district and  
29 shall set the date of the election, which shall be not ~~less than thirty (30)~~  
30 ~~days nor~~ more than ~~sixty (60)~~ ninety (90) days after the date of the ~~notice~~  
31 ~~to the county board of election commissioners~~ proclamation required by § 7-5-  
32 103(b).

33 ~~(B)(i) The special election shall occur on the second~~  
34 ~~Tuesday of any month, except as provided in subdivision (d)(1)(B)(ii) of this~~  
35 ~~section.~~

36 ~~(ii)(a)(1) Special elections held in months in which~~

~~1 a presidential preferential primary election, preferential primary election,  
2 general primary election, or general election is scheduled to occur shall be  
3 held on the date of the presidential preferential primary election,  
4 preferential primary election, general primary election, or general election.~~

~~5 (2)(A)(i) If a special election is held on the date of the  
6 presidential preferential primary election, preferential primary election, or  
7 general primary election, the issue or issues to be voted upon at the special  
8 election shall be included on the ballot of each political party.~~

~~9 (ii) However, separate ballots containing only the  
10 issue or issues to be voted upon at the special election shall be prepared  
11 and made available to voters requesting a separate ballot.~~

~~12 (B) No voter shall be required to vote in a political  
13 party's presidential preferential primary, preferential primary, or general  
14 primary in order to be able to vote in the special election.~~

~~15 (b) Special elections scheduled to occur in a month in which the  
16 second Tuesday is a legal holiday shall be held on the third Tuesday of the  
17 month.~~

18 (2) The county board of election commissioners in each county of  
19 which any portion is included in a community college district shall prepare  
20 the ballots, furnish the election supplies, select the election judges and  
21 clerks, and make all necessary arrangements for conducting such elections.

22 (3) All laws applicable to the conduct of general elections,  
23 counting of ballots, and certification of the results thereof, and other  
24 matters relating to the holding of general elections, so far as the laws are  
25 appropriate shall be applicable to special elections held pursuant to the  
26 provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211  
27 [repealed], 6-61-212 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306 [repealed], 6-  
28 61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and 6-61-604 - 6-  
29 61-612 [repealed].

30 (4) All expenses of conducting special elections held pursuant  
31 to the provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211  
32 [repealed], 6-61-212 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306 [repealed], 6-  
33 61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and 6-61-604 - 6-  
34 61-612 [repealed] shall be paid from funds of the respective community  
35 college districts in which the elections are held.

36 (e) If the proposed additional millage is approved by the majority of



1 the qualified electors of the district voting on such issue at a general or  
2 special election, the additional millage shall be a continuing levy until  
3 reduced as provided in subsection (f) of this section.

4 (f) Whenever the local board of any college determines that the rate  
5 of tax levied by the district, including the amount thereof pledged for  
6 indebtedness purposes, is greater than is necessary, the local board shall  
7 certify the reduced rate of millage to the appropriate tax levying authority  
8 of each county or city of the district, and the reduced rate of millage shall  
9 be levied and shall be extended on the tax books as the rate of tax due that  
10 community college district until a greater amount of tax shall be certified  
11 by the local board of the college as authorized in this section.

12 (g) In the case of community college districts existing at the time  
13 this law is enacted, existing millages which have been approved by the voters  
14 of the district may continue to be levied by the district at the discretion  
15 of the local board except that upon the petition of voters, as provided in §  
16 6-61-510, or upon request of the local board, an election may be called to  
17 repeal operating millage, reduce operating millage, or authorize the transfer  
18 of operating millage to capital uses.

19  
20 SECTION 12. Arkansas Code § 6-71-105 is amended to read as follows:

21 6-71-105. Public notice of passage of chapter - Methods of approval.

22 (a) Immediately upon the organization of the commission, or as soon  
23 thereafter as it is convenient, it shall give public notice of the passage of  
24 this chapter and of the commission's organization and the purposes of this  
25 chapter, and that the public improvement contemplated in this chapter is  
26 conditioned upon its approval by a majority in value of the owners of real  
27 estate within the district or a majority of the electors voting in a special  
28 election that may be held upon this chapter.

29 (b) This chapter may be submitted in either or both of the following  
30 modes to determine whether it shall become operative:

31 (1)(A) If at any time within five (5) years from the passage of  
32 this chapter a petition purporting to be signed by a majority in value of the  
33 owners of real property within the district is filed with the commission, the  
34 commission shall give public notice of that fact in at least one (1) daily  
35 newspaper published in the county and set a day and place for the hearing not  
36 less than twenty (20) days after the first publication of the notice.

1                   (B) At the place and time so designated, the commissioners  
2 shall examine the petition filed and examine the assessment of the real  
3 property within the district and, for the purpose of the hearing, may adjourn  
4 from day to day from time to time until the hearing is completed.

5                   (C) At the hearing, any landowner in the district may be  
6 heard and evidence may be taken in such a manner as the commission may deem  
7 proper to determine the fact as to whether the petition is signed by a  
8 majority in value of the landowners of the district, as shown by the last  
9 county assessment of the lands within the district.

10                   (D)(i)(a) If at the hearing the commissioners find that  
11 the petition is not signed by a majority in value of the landowners of the  
12 district, as shown by the last county assessment, they shall so declare. Such  
13 findings shall terminate proceedings under this chapter unless within the  
14 term herein limited another petition purporting to be signed by a majority in  
15 value of owners of real estate in the district is filed with the commission,  
16 when like proceedings shall again be had to determine whether a majority in  
17 value of the landowners of the district have signed the petition.

18                   (b) However, the finding that a majority in value has not petitioned  
19 for the improvement shall not bar the chapter from becoming effective as  
20 provided in subdivision (b)(2) and subsection (c) of this section.

21                   (ii) If the commission finds that the petition is  
22 signed by a majority in value of the landowners of the district as shown by  
23 the last county assessment, they shall so declare and shall proceed to carry  
24 out the purposes of this chapter.

25                   (iii) In either event, public notice shall be given  
26 in at least one (1) daily paper published in the county of that fact, and a  
27 copy of the findings shall be filed with the county court of the county.

28                   (2)(A) The commission may call at any time within five (5) years  
29 an election in accordance with § 7-5-103(b) to determine whether this chapter  
30 shall become operative and may call subsequent elections in accordance with §  
31 7-5-103(b) after the chapter has failed to carry if the commission has good  
32 reasons to believe that a majority of the electors then favor this chapter.

33                   (B) The election held under this section shall be held  
34 conformable as nearly as possible to the laws of the state governing general  
35 elections.

36                   ~~(C)(i) The election held under this section shall occur on~~

1 ~~the second Tuesday of any month, except as provided in subdivision~~  
2 ~~(b)(2)(C)(ii) of this section.~~

3 ~~(ii) Elections held in months in which a~~  
4 ~~presidential preferential primary election, preferential primary election,~~  
5 ~~general primary election, or general election is scheduled to occur shall be~~  
6 ~~held on the date of the presidential preferential primary election,~~  
7 ~~preferential primary election, general primary election, or general election.~~

8 ~~(2)(A)(i) If an election is held on the date of the presidential~~  
9 ~~preferential primary election, preferential primary election, or general~~  
10 ~~primary election, the issue or issues to be voted upon at the election shall~~  
11 ~~be included on the ballot of each political party.~~

12 ~~(ii) However, separate ballots containing only the~~  
13 ~~issue or issues to be voted upon at the election shall be prepared and made~~  
14 ~~available to voters requesting a separate ballot.~~

15 ~~(B) No voter shall be required to vote in a political~~  
16 ~~party's presidential preferential primary, preferential primary, or general~~  
17 ~~primary in order to be able to vote in the election.~~

18 ~~(b) Elections scheduled to occur in a month in which the second~~  
19 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

20 ~~(D) The commission shall perform the duties of county~~  
21 ~~election commissioners as nearly as applicable.~~

22 ~~(E) All citizens of the city in which the district is~~  
23 ~~located who possess a right to vote if the election were a general election~~  
24 ~~for state officers, and no other, shall be entitled to vote in the election.~~

25 ~~(F) The commission shall canvass the votes cast at the~~  
26 ~~special elections. If the commission finds that a majority of the votes cast~~  
27 ~~in the election were in favor of this chapter's becoming operative, they~~  
28 ~~shall so declare and shall proceed to carry out the purposes of this chapter.~~

29 ~~(G) Public notice shall be given of their findings in~~  
30 ~~either event in at least one (1) daily newspaper published in the county in~~  
31 ~~which the district is located, and a copy of their findings shall be filed~~  
32 ~~with the county clerk of such a county.~~

33 ~~(c) It is the intent of this section to permit this chapter to become~~  
34 ~~operative if it is approved at any time within five (5) years in either of~~  
35 ~~the foregoing methods and not to become operative unless approved within this~~  
36 ~~period by one (1) or the other of the methods provided in this section.~~

1  
2 SECTION 13. Arkansas Code § 7-5-103 is amended to read as follows:

3 7-5-103. ~~Time of special~~ Special elections.

4 ~~(a) If no time is otherwise provided by law, all special elections to~~  
5 ~~fill vacancies or to elect any officers where there appears to be a tie vote~~  
6 ~~shall be held on the second Tuesday of any month at the time specified in the~~  
7 ~~proclamation issued by the appropriate constituted authority, but in no event~~  
8 ~~earlier than thirty (30) days following the issuance of the proclamation.~~

9 ~~(b)(1)(A) Special elections held under this section in months in which~~  
10 ~~a presidential preferential primary election, preferential primary election,~~  
11 ~~general primary election, or general election is scheduled to occur shall be~~  
12 ~~held on the date of the presidential preferential primary election,~~  
13 ~~preferential primary election, general primary election, or general election.~~

14 ~~(B)(i)(a) If a special election is held on the date of the~~  
15 ~~presidential preferential primary election, preferential primary election, or~~  
16 ~~general primary election, the issue or issues to be voted upon at the special~~  
17 ~~election shall be included on the ballot of each political party.~~

18 ~~(b) However, separate ballots containing only the issue or issues to~~  
19 ~~be voted upon at the special election shall be prepared and made available to~~  
20 ~~voters requesting a separate ballot.~~

21 ~~(ii) No voter shall be required to vote in a~~  
22 ~~political party's presidential preferential primary, preferential primary, or~~  
23 ~~general primary in order to be able to vote in the special election.~~

24 ~~(2) Special elections scheduled to occur in a month in which the~~  
25 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
26 ~~month.~~

27 (a)(1) All special elections to fill vacancies in an office shall be  
28 called by proclamation, ordinance, resolution, or order of the appropriate  
29 constituted authority.

30 (2) The proclamation, ordinance, resolution, or order shall be  
31 published as soon as practicable in a newspaper of general circulation where  
32 the special election is held and the proclamation, ordinance, resolution or  
33 order shall establish:

34 (A) The date of the election;

35 (B) The date of the primary election, if any;

36 (C) The deadline for filing party certificates and

1 political practices pledges, if required, with the county clerk or Secretary  
2 of State, as the case may be, if applicable;

3 (D) The deadline for party conventions to select nominees  
4 if applicable;

5 (E) The deadline for parties to issue certificates of  
6 nomination, if applicable;

7 (F) The deadline for candidates to file certificates of  
8 nomination, if applicable, and political practices pledges with the county  
9 clerk or Secretary of State, as the case may be;

10 (G) The deadline for filing as an independent candidate  
11 and the period in which petitions for independent candidacy may be  
12 circulated;

13 (H) The deadline for filing as a write-in candidate if  
14 applicable;

15 (I) The deadline for drawing for ballot position by the  
16 appropriate committee or election commission, as the case may be; and

17 (J) The date the election shall be certified by the county  
18 board of election commissioners in each county in which the election takes  
19 place and, if applicable, by the Secretary of State.

20 (3)(A) All special elections to fill vacancies in office shall  
21 be held on the second Tuesday of any month.

22 (B)(i) Special elections under this section in which a  
23 presidential preferential primary election, preferential primary election,  
24 general primary election, or general election is scheduled to occur shall be  
25 held on the date of the presidential preferential primary election,  
26 preferential primary election, general primary election, or general election.

27 (ii) If a special election to fill a vacancy in  
28 office is held on the date of the presidential preferential primary election,  
29 preferential primary election, or general primary election, the names of the  
30 candidates in the special election shall be included on the ballot of each  
31 political party, and the portion of the ballot on which the special election  
32 appears shall be labeled with a heading stating "SPECIAL ELECTION FOR ....."  
33 with the name of the office set out in the heading.

34 (iii) However, separate ballots containing the names  
35 of the candidates to be voted upon at the special election, nonpartisan  
36 judicial elections, if applicable, and any other measures or questions that

1 may be presented for a vote shall be prepared and made available to voters  
2 requesting a separate ballot.

3 (iv) No voter shall be required to vote in a  
4 political party's presidential preferential primary, preferential primary, or  
5 general primary in order to be able to vote in the special election.

6 (C)(i) If the special election is held at the same time as  
7 the general election, the names of the candidates in the special election  
8 shall be included on the general election ballot, and the portion of the  
9 ballot on which the special election appears shall be labeled with a heading  
10 stating "SPECIAL ELECTION FOR ....." with the name of the office set out in  
11 the heading.

12 (ii) The county board of election commissioners may  
13 include the special election on a separate ballot if the special election is  
14 held at the same time as the general election and if the commission  
15 determines that a separate ballot is necessary to avoid voter confusion.

16 (D) A special election to fill a vacancy in office shall  
17 be held not less than sixty-five (65) days following the date in the  
18 proclamation, ordinance, resolution, or order for drawing for ballot position  
19 when the special election is to be held on the date of the presidential  
20 preferential primary election, preferential primary election, general primary  
21 election, or general election.

22 (4) If the special election is not held at the same time as a  
23 presidential preferential primary election, preferential primary election,  
24 general primary election, or general election, the special election shall be  
25 held not less than fifty (50) days following the date in the proclamation,  
26 ordinance, resolution, or order for drawing for ballot position.

27 (5)(A) All special primary elections required for an election to  
28 fill a vacancy in office shall be held on the second Tuesday of any month,  
29 and special primary elections held under this section in months in which a  
30 presidential preferential primary election, preferential primary election,  
31 general primary election, or general election is scheduled to occur shall be  
32 held on the date of the presidential preferential primary election,  
33 preferential primary election, general primary election, or general election.

34 (B) If a special primary election in conjunction with an  
35 election to fill a vacancy in office is held on the date of the presidential  
36 preferential primary election, preferential primary election, general primary

1 election, or general election, the candidates to be voted upon at the special  
2 election shall be included on the ballot of each political party or the  
3 general election ballot, as the case may be, and the portion of the ballot on  
4 which the special primary election appears shall be labeled with a heading  
5 stating "SPECIAL..... PRIMARY ELECTION FOR....." with the name of  
6 the party for which nomination is sought and the office set out in the  
7 heading.

8 (C) The county board of election commissioners may include  
9 the special primary election on a separate ballot if the special primary  
10 election is held at the same time as a presidential preferential primary  
11 election, preferential primary election, general primary election, or general  
12 election and if the commission determines that a separate ballot is necessary  
13 to avoid voter confusion.

14 (6) A special primary election shall be held not less than  
15 sixty-five (65) days following the date in the proclamation, ordinance,  
16 resolution, or order for drawing for ballot position when the special  
17 election is to be held on the date of the presidential preferential primary  
18 election, preferential primary election, general primary election, or general  
19 election.

20 (7)(A) If the special primary election is not held at the same  
21 time as a presidential preferential primary election, preferential primary  
22 election, general primary election, or general election, the special election  
23 shall be held not less than fifty (50) days following the date in the  
24 proclamation, ordinance, resolution, or order for drawing for ballot  
25 position.

26 (B) When a special primary election is called to select  
27 nominees for a special election to fill a vacancy in office, the nominee  
28 shall be the person who receives the highest number of votes in the special  
29 primary election. There shall be no runoff after a special primary election.

30 (8) In addition to the publication of the proclamation,  
31 ordinance, resolution, or order required by the provisions of this section,  
32 notice of special elections to fill vacancies called under this section shall  
33 be published and posted under § 7-5-202 and § 7-5-206.

34 (b)(1) Except for special school elections held under § 6-14-102(d),  
35 all special elections on measures or questions referred to the voters shall  
36 be called by proclamation, ordinance, resolution, or order of the properly

1 constituted authority.

2 (2) The proclamation, ordinance, resolution, or order shall set  
3 forth:

4 (A) The date of the special election;

5 (B) The full text of any measure or question for which the  
6 election is called;

7 (C) Any ballot title for the measure or question for which  
8 the election is called; and

9 (D) Any other information as may be required by law.

10 (3) All special elections on measures or questions shall be held  
11 on the second Tuesday of any month, except special elections held under this  
12 section in a month in which a presidential preferential primary election,  
13 preferential primary election, general primary election, or general election  
14 is scheduled to occur shall be held on the date of the presidential  
15 preferential primary election, preferential primary election, general primary  
16 election, or general election. Special elections scheduled to occur in a  
17 month in which the second Tuesday is a legal holiday shall be held on the  
18 third Tuesday of the month.

19 (4)(A) If a special election is held on the date of the  
20 presidential preferential primary election, preferential primary election, or  
21 general primary election, the issue or issues to be voted upon at the special  
22 election shall be included on the ballot of each political party. The  
23 portion of the ballot containing the special election shall be labeled with a  
24 heading stating "SPECIAL ELECTION ON ....."  
25 with a brief description of the measure or question to be decided in the election.

26 (B) However, separate ballots containing the issue or  
27 issues or candidates to be voted upon at the special election and candidates  
28 for nonpartisan judicial office shall be prepared and made available to  
29 voters requesting a separate ballot.

30 (C) No voter shall be required to vote in a political  
31 party's presidential preferential primary, preferential primary, or general  
32 primary in order to be able to vote in the special election.

33 (5) A special election shall be held not less than sixty-five  
34 (65) days following the date that the ordinance or resolution is adopted or  
35 the date the proclamation or order is issued when the special election is to  
36 be held on the date of the presidential preferential primary election,



1 preferential primary election, general primary election, or general election.

2 (6) If the special election is not held at the same time as a  
3 presidential preferential primary election, preferential primary election,  
4 general primary election, or general election, the special election shall be  
5 held not less than fifty (50) days following the date that the proclamation,  
6 ordinance, resolution, or order is published.

7 (7) Notice of the election shall be published and posted in  
8 accordance with § 7-5-202, § 7-5-206, or as may be otherwise provided by  
9 Arkansas law.

10  
11 SECTION 14. Arkansas Code § 7-5-106 is amended to read as follows:  
12 7-5-106. Runoff elections for county and municipal officers.

13 (a) Whenever there are more than two (2) candidates for election to  
14 any county elected office, including the office of justice of the peace, or  
15 for any municipal office at any general election held in this state and no  
16 candidate for the municipal or county office receives a majority of the votes  
17 cast for the office, there shall be a runoff general election held in that  
18 county or municipality three (3) weeks following the date of the general  
19 election at which the names of the two (2) candidates receiving the highest  
20 number of votes, but not a majority, shall be placed on the ballot to be  
21 voted upon by the qualified electors of the county or the municipality, as  
22 the case may be.

23 (b) In the event that two (2) candidates receive the highest number of  
24 votes and receive the same number of votes, a tie shall be deemed to exist  
25 and the names of the two (2) candidates shall be placed on the runoff general  
26 election ballot to be voted upon by the qualified electors of the county or  
27 the municipality, as the case may be.

28 (c)(1) If there is one (1) candidate who receives the highest number  
29 of votes, but not a majority of the votes, and two (2) other candidates  
30 receive the same number of votes for the next highest number of votes cast, a  
31 tie shall be deemed to exist between the two (2) candidates.

32 (2) The county board of election commissioners shall determine  
33 the runoff candidate by lot at a public meeting and in the presence of the  
34 two (2) candidates.

35 (d) If one (1) of the two (2) candidates who received the highest  
36 number of votes for an office, but not a majority in the general election

1 withdraws prior to certification of the result of the general election, the  
2 remaining candidate who received the most votes at the general election shall  
3 be declared elected to the office and there shall be no general election  
4 runoff.

5 ~~(d)~~(e)(1) The person receiving the majority of the votes cast for the  
6 office at the runoff general election shall be declared elected.

7 (2) However, in the event that the two (2) candidates seeking  
8 election to the same county or municipal office shall receive the same number  
9 of votes in the runoff election, a tie shall be deemed to exist, and the  
10 county board shall determine the winner by lot at an open public meeting and  
11 in the presence of the two (2) candidates.

12 ~~(e)~~(f)(1) For the purposes of this section, the term "municipal  
13 officers" shall include officers of cities of the first class and cities of  
14 the second class and incorporated towns and shall include aldermen, members  
15 of boards of managers, or other elective municipal offices elected by the  
16 voters of the entire municipality or from wards or districts within a  
17 municipality.

18 (2) The term "municipal officers" shall not include officers of  
19 cities having a city manager form of government.

20 (3) The provisions of this section shall not be applicable to  
21 election of members of the boards of directors and other officials of cities  
22 having a city manager form of government.

23 ~~(f)~~(g) The provisions of this section are intended to be in addition  
24 to and supplemental to the laws of this state pertaining to the election of  
25 county and municipal officers at general elections.

26  
27 SECTION 15. Arkansas Code § 7-5-207(a), concerning election ballots,  
28 is amended to read as follows:

29 (a) All election ballots provided by the county board of election  
30 commissioners of any county in this state for any election shall contain in  
31 the proper place the name of every candidate whose nomination for any office  
32 to be filled at that election has been certified to the county board and  
33 shall not contain the name of any candidate or person who has not been  
34 certified. If any candidate shall notify, ~~prior to the printing of the~~  
35 ballots no later than seventy (70) days before the election, the Secretary of  
36 State in the case of a United States, state, or district office, or the

1 county board in the case of a county, city, or township office, in writing,  
2 signed by the candidate, and acknowledged before an officer authorized to  
3 take acknowledgments, of his desire to withdraw as a candidate for the office  
4 or position, the name of the person shall not be printed on the ballot at the  
5 election.

6  
7 SECTION 16. Arkansas Code § 7-5-208(g) is amended to read as follows:

8 (g)(1) Every ballot shall contain the name of each candidate who has  
9 been nominated or has qualified in accordance with law for each office. The  
10 names of the candidates shall be listed in a perpendicular column under the  
11 name of each office to be filled.

12 (2)(A) However, the names of all unopposed candidates for  
13 offices for which no notice has been filed within the time prescribed in § 7-  
14 5-205, except the names of all unopposed candidates for the office of mayor  
15 or circuit clerk, shall be grouped together on the ballot indicating the  
16 office and the name of the unopposed candidate for each office in a single  
17 column. At the top of the list of the names of all unopposed candidates,  
18 there shall appear on the ballot the words "Unopposed Candidates", and to the  
19 right thereof there shall be a square in which the voter may cast a vote for  
20 all the candidates by placing an appropriate mark, so that the votes may be  
21 separately counted and tabulated as required in § 7-5-205.

22 (B) The names of unopposed candidates for the office of  
23 mayor or circuit clerk shall be separately printed from any grouping of  
24 unopposed candidates, with a place in which the voter may cast a vote for  
25 each unopposed candidate for the office of mayor or circuit clerk by placing  
26 an appropriate mark, so that the votes may be separately counted and  
27 tabulated as required in § 7-5-315.

28 (3) In all elections except primary elections and municipal  
29 elections, at the bottom of each list of names for each position or office  
30 appearing on the ballot, there shall be a blank line or lines for possible  
31 write-in votes for that position or office. However, the blank line shall not  
32 appear on the ballot with respect to those offices and candidates for  
33 positions in which no person has qualified as a write-in candidate by filing  
34 his or her intentions to be a write-in candidate within the time prescribed  
35 in § 7-5-205.

36 (4) The order in which the names of the respective candidates

1 shall appear on the ballots shall be determined by lot at a public meeting of  
2 the county board not less than ~~thirty-five (35)~~ sixty-five (65) days prior to  
3 the general ~~elections~~ election. It is expressly understood and provided that  
4 the selection on the order of the ballot in all other elections shall be and  
5 remain as provided by law. For runoff elections, the ballot order for  
6 eligible candidates shall stay the same as for the previous election.

7 (5) Beside or adjacent to the name of each candidate in the  
8 general election shall be his or her party designation or the name  
9 "INDEPENDENT" if he or she represents no officially recognized party.

10  
11 SECTION 17. Arkansas Code § 7-5-407(a), concerning preparation and  
12 delivery of election ballots, is amended to read as follows:

13 (a) The county board of election commissioners shall prepare official  
14 absentee ballots and deliver them to the county clerk for mailing to all  
15 qualified applicants as soon as practicable but in any event not later than  
16 ~~twenty-five (25)~~ thirty-five (35) days before a preferential primary, general  
17 election, school election, nonpartisan judicial general election, nonpartisan  
18 judicial runoff election, or any special election.

19  
20 SECTION 18. Arkansas Code § 7-5-203 is amended to read as follows:

21 7-5-203. Certification of candidate lists.

22 (a) Not fewer than ~~fifty (50)~~ seventy-five (75) days before each  
23 general election day, the Secretary of State shall certify to all county  
24 boards of election commissioners full lists of all candidates to be voted for  
25 in their respective counties as the nominations have been certified to him or  
26 her.

27 (b) Not fewer than ~~fifty (50)~~ seventy-five (75) days before each  
28 general election day, the clerk of each county shall certify to the county  
29 board of his or her county a full list of all candidates to be voted for in  
30 the county as the nominations have been certified to him or her.

31 (c) However, in special elections held to fill vacancies or to elect  
32 officers in case of a tie vote, the certification shall issue at the time  
33 specified in the writ of election issued by the appropriately constituted  
34 authority.

35  
36 SECTION 19. Arkansas Code § 7-5-204 is amended to read as follows:

1 7-5-204. Certification of questions submitted to voters.

2 (a) Whenever a proposed amendment to the Arkansas Constitution or  
 3 other ~~measure or~~ question is to be submitted to a vote of the people, the  
 4 Secretary of State shall not fewer than ~~fifty (50)~~ seventy (70) days before  
 5 each general election day certify the amendment, ~~measure or in~~ question to  
 6 the county board of election commissioners of each county in the state.

7 (b) The county board shall include the amendment in question in the  
 8 posting which it is required to make under § 7-5-206. ~~However, in special~~  
 9 ~~elections held in case of a tie vote, the certification shall issue at the~~  
 10 ~~time specified in the writ of election issued by the Secretary of State.~~

11 (c)(1) If the Secretary of State has not determined the sufficiency of  
 12 a petition for an amendment or measure by the seventieth day before the  
 13 general election, or if an amendment or measure has been challenged for any  
 14 reason in a court of competent jurisdiction, the Secretary of State shall  
 15 transmit the amendment or measure and the ballot title of each amendment and  
 16 measure to the county election commissions to make any required posting  
 17 ~~required under § 7-5-206~~ and to place the amendment or measure on the ballot.

18 (2) If the petition for the amendment or measure is subsequently  
 19 declared insufficient by the Secretary of State or a court of competent  
 20 jurisdiction, or if held to be invalid for any other reason, no votes  
 21 regarding the amendment or measure shall be counted or certified.

22  
 23 SECTION 20. Arkansas Code § 7-6-102 is amended to read as follows:

24 7-6-102. Political practices pledge - Penalty for falsification.

25 (a)(1) Candidates for political party nominations for state or  
 26 district offices shall file with the Secretary of State and candidates for  
 27 county, municipal, or township offices shall file with the county clerk of  
 28 the county ~~not later than 12:00 noon fourteen (14) days after the third~~  
 29 ~~Tuesday in March, before the~~ during the filing period set out in § 7-7-203  
 30 for the preferential primary election, a pledge in writing stating that they  
 31 are familiar with the requirements of §§ 7-1-103, 7-1-104, 7-3-108, and 7-6-  
 32 101 - 7-6-104 and will, in good faith, comply with their terms.

33 (2) Persons ~~nominated~~ seeking nomination as independent  
 34 candidates and school district candidates shall file the political practices  
 35 pledge at the time of filing the petition for nomination.

36 (3) Independent candidates for municipal office shall file ~~their~~

1 ~~the political practices pledges~~ pledge with the county clerk ~~not fewer than~~  
2 ~~ninety (90) calendar days before the general election by 12:00 noon at the~~  
3 ~~time of filing the petition for nomination.~~

4 (4) Persons who wish to be write-in candidates shall file the  
5 political practices ~~pledges~~ pledge at the time of filing the notice to be a  
6 write-in candidate. ~~A write-in candidate shall file the political practices~~  
7 ~~pledge with the Secretary of State if a candidate for a state or district~~  
8 ~~office or with the county clerk if a candidate for a county, township, or~~  
9 ~~municipal office.~~

10 (5) Nonpartisan judicial candidates paying filing fees in  
11 accordance with § 7-10-103(b) shall file the political practices pledge at  
12 the time of filing for office.

13 (6) Nonpartisan judicial candidates filing by petition in  
14 accordance with § 7-10-103(c) shall file the political practices pledge at  
15 the time of filing the petition.

16 (b) All political practices pledge forms for state or district offices  
17 and county, municipal, or township offices shall be required to contain the  
18 following additional pledge:

19 "I hereby certify that I have never been convicted of a felony in Arkansas  
20 or in any other jurisdiction outside of Arkansas."

21 (c) Any person who has been convicted of a felony and signs the pledge  
22 stating that he has not been convicted of a felony shall be guilty of a Class  
23 D felony.

24 (d) For purposes of this section, a person shall be qualified to be a  
25 candidate for a state, district, county, municipal, and township office and  
26 may certify that he has never been convicted of a felony if his record was  
27 expunged in accordance with §§ 16-93-301 - 16-93-303, or a similar expunction  
28 statute in another state, provided, the candidate presents a certificate of  
29 expunction from the court that convicted the prospective candidate.

30 (e)(1) The name of a candidate who fails to sign and file the pledge  
31 shall not appear on the ballot.

32 (2)(A) However, ~~within five (5) days following the first Tuesday~~  
33 ~~in April before the preferential primary election or within five (5) days~~  
34 ~~from which the pledge is required to be filed, the Secretary of State or the~~  
35 ~~county clerk shall notify by certified mail which requires a return receipt~~  
36 ~~signed by the candidate those candidates who have failed to file a signed~~

1 political practice pledge. The notice shall include a copy of the written  
2 pledge required by this section.

3 (B) Failure of the state or district candidate to file  
4 with the Secretary of State or of the county, municipal, or township  
5 candidate to file with the county clerk within twenty (20) days of receipt or  
6 refusal of this notice shall prevent the candidate's name from appearing on  
7 the ballot.

8

9 SECTION 21. Arkansas Code § 7-7-103 is amended to read as follows:

10 7-7-103. Filing as an independent - Petitions - Disqualification.

11 (a) Any person desiring to have his or her name placed upon the ballot  
12 as an independent candidate without political party affiliation for any  
13 state, county, township, or district office in any general election in this  
14 state shall file as an independent candidate a notice of candidacy stating  
15 the name and title the candidate proposes to appear on the ballot and  
16 identifying the elective office sought during the period for filing political  
17 practices pledges and party pledges if any are required by the rules of the  
18 party to qualify as a candidate of a political party in a primary election.

19 (b)(1)(A) The person shall furnish by May 1 of the year in which the  
20 election is to be held petitions signed by not less than three percent (3%)  
21 of the qualified electors in the county, township, or district in which the  
22 person is seeking office, but in no event shall more than two thousand  
23 (2,000) signatures be required for a district, county, or township office.

24 (B) If the person is a candidate for state office or for  
25 United States Senator in which a statewide race is required, the person shall  
26 file petitions signed by not less than three percent (3%) of the qualified  
27 electors of the state or which contain ten thousand (10,000) signatures of  
28 qualified electors, whichever is the lesser.

29 (2) Each elector signing the petition shall be a registered  
30 voter, and the petition shall be directed to the official with whom the  
31 person is required by law to file nomination certificates to qualify as a  
32 candidate and shall request that the name of the person be placed on the  
33 ballot for election to the office mentioned in the petition.

34 (3) Petitions shall be circulated not earlier than sixty (60)  
35 calendar days prior to the deadline for filing petitions to qualify as an  
36 independent candidate unless the number of days is reduced by a proclamation,

1 ordinance, resolution, or order of special election under § 7-5-103.

2 (4) In determining the number of qualified electors in any  
3 county, township, or district or in the state, the total number of votes cast  
4 therein for all candidates in the preceding general election for the office  
5 of Governor shall be conclusive of the number of qualified electors therein  
6 for the purposes of this section.

7 (5) If the number of days in which the petition for independent  
8 candidacy may be circulated is reduced by a proclamation, ordinance,  
9 resolution, or order for special election under § 7-5-103, the number of  
10 signatures required on the petition shall be reduced proportionately.

11 (c)(1)(A) Independent candidates for municipal office may qualify by a  
12 petition of not fewer than ten (10) electors for incorporated towns and for  
13 cities of the second class and not fewer than thirty (30) electors for cities  
14 of the first class, of the ward or city in which the election is to be held.

15 (B) The county clerk shall determine within ten (10) days  
16 of filing whether the petition contains the names of a sufficient number of  
17 qualified electors. The county clerk shall promptly notify the candidate of  
18 the result.

19 (2)(A) Independent candidates for municipal office shall file  
20 their petitions of nomination with the county clerk not more than ~~eighty (80)~~  
21 ninety (90) days nor fewer than ~~sixty (60)~~ seventy (70) days before the  
22 general election.

23 (B) The filing on the last day shall occur before 12:00  
24 p.m.

25 (d) The sufficiency of any petition filed under the provisions of this  
26 section may be challenged in the same manner as is provided by law for  
27 election contests, § 7-5-801 et seq.

28 (e) A person who has been defeated in a party primary shall not be  
29 permitted to file as an independent candidate in the general election for the  
30 office for which he or she was defeated in the party primary.

31 (f) This section shall not apply to the offices of Justice of the  
32 Supreme Court, Judge of the Court of Appeals, circuit judge, or district  
33 judge.

34  
35 SECTION 22. Arkansas Code § 7-7-104 is amended to read as follows:

36 7-7-104. Vacancy in nomination - Alternative methods for filling - Tie



1 vote.

2 (a) Nominees of a political party to fill a vacancy in nomination, as  
3 defined in § 7-1-101, shall be declared by:

4 (1) Certificate of the chairman and secretary of any convention  
5 of delegates held within twenty-five (25) days of the Governor's letter  
6 certifying vacancy; or

7 (2)(A) A special primary election called, held, and conducted in  
8 accordance with the rules of the party.

9 (B) A special primary election may be called only if the  
10 special primary election can be called, held, conducted, certified, and  
11 certificates of nomination filed at least seventy (70) days before the  
12 general election.

13 (b) In case of a tie vote for the same office at a general primary  
14 election, a vacancy in nomination for that office shall exist.

15 (c) When a vacancy in nomination occurs as a result of death or when  
16 the person who received the majority of votes cast at the preferential  
17 primary election or the general primary election notifies the state committee  
18 of the political party of his or her intent to refuse nomination due to  
19 serious illness, moving out of the area from which elected as the party's  
20 nominee, or filing for another office, the state committee of the political  
21 party shall notify the Governor within five (5) days after the date of death  
22 or the date the party was notified of intent to refuse nomination as to  
23 whether the party chooses to fill the vacancy in nomination at a special  
24 election or a convention.

25 (d) If the party fails to notify the Governor within the five-day  
26 period, the vacancy in nomination shall not be filled nor shall the vacancy  
27 in nomination be filled if it occurred for any reason other than death,  
28 serious illness, the candidate's moving out of the area from which elected as  
29 the party's nominee, or filing for another office.

30 (e)(1)(A) If the party notifies the Governor within the time  
31 prescribed in subsection (c) of this section of the desire to have a special  
32 primary election, the Governor shall issue a proclamation within five (5)  
33 days calling the special election and establishing the deadline for filing as  
34 a candidate for nomination, ~~which shall be no more than twenty (20) days~~  
35 ~~after the proclamation~~ drawing for ballot position, and issuing and filing  
36 certificates of nomination. The special primary election shall occur no

1 earlier than thirty (30) days nor later than sixty (60) days after the ~~end of~~  
2 ~~the~~ filing deadline. The candidate who receives the most votes in the  
3 special primary election shall be declared the nominee. There shall be no  
4 runoff election. In the event of a tie for the most votes, the nominee shall  
5 be determined by lot in a public meeting of the appropriate party committee.

6 (B) When the certificate of nomination is filed for a  
7 nominee who is filling a vacancy in nomination, the filing authority shall  
8 immediately certify the name of the nominee to the appropriate county board  
9 of election commissioners.

10 ~~(B)(i) The special election shall occur on the second~~  
11 ~~Tuesday of any month, except as provided in subdivision (e)(1)(B)(ii) of this~~  
12 ~~section.~~

13 ~~(ii)(a) Special elections held in months in which a~~  
14 ~~presidential preferential primary election, preferential primary election,~~  
15 ~~general primary election, or general election is scheduled to occur shall be~~  
16 ~~held on the date of the presidential preferential primary election,~~  
17 ~~preferential primary election, general primary election, or general election.~~

18 ~~(b) Special elections scheduled to occur in a month in which the~~  
19 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
20 ~~month.~~

21 ~~(2) A runoff election, if required, shall be held three (3)~~  
22 ~~weeks after the date of the special election.~~

23 (f) If the party notifies the Governor that it desires to fill the  
24 vacancy in nomination by convention, the convention shall occur no later than  
25 twenty-five (25) days after the notice is provided to the Governor.

26 (g)(1) If the party's nominee is not selected in time to file his or  
27 her certificate of nomination with the appropriate party authority at least  
28 sixty-six (66) days before the general election, the nominee's name shall not  
29 appear on the general election ballot but the name of the person who vacated  
30 the nomination shall appear on the ballot, and votes cast for the name of the  
31 person appearing on the ballot shall be counted for the nominee, but only if  
32 the certificate of nomination is duly filed at least thirty-five (35) days  
33 before the general election.

34 (2)(A) If votes for a nominee whose name does not appear on the  
35 ballot are to be counted under subdivision (g)(1) of this section, the county  
36 board of election commissioners shall post a notice at each affected polling

1 place stating each election in which a vote for the person appearing on the  
2 ballot shall be counted for the nominee.

3 (B) A copy of the notice shall be included with the  
4 instructions sent to absentee voters.

5  
6 SECTION 23. Arkansas Code § 7-7-105 is repealed.

7 7-7-105. Filling vacancies in certain offices - Special primary  
8 elections.

9 Nominees for election at a special election called for the purpose of  
10 filling a vacancy in office for a member of the United States House of  
11 Representatives, for Lieutenant Governor, or as a member of the Senate or  
12 House of Representatives of the General Assembly shall be chosen ~~as follows:~~  
13 in accordance with § 7-5-103(a).

14 ~~(1)(A) Whenever a vacancy shall exist in any of the~~  
15 ~~above-mentioned offices, the Governor shall certify in writing to the state~~  
16 ~~committees of the respective political parties the fact of vacancy and shall~~  
17 ~~request the respective state committees to make a determination and notify~~  
18 ~~him in writing within ten (10) days with respect to whether the political~~  
19 ~~parties desire to hold a special primary election to choose a nominee of each~~  
20 ~~party as a candidate for election to the office in which the vacancy exists.~~

21 ~~(B) If the state committee of any political party shall~~  
22 ~~notify the Governor within the time provided in subdivision (1)(A) of this~~  
23 ~~section of its request to hold a special primary election, it shall be~~  
24 ~~mandatory that any political party desiring to choose a nominee for election~~  
25 ~~to the office in which the vacancy exists shall choose the nominee at a~~  
26 ~~special primary election.~~

27 ~~(C) In issuing the proclamation calling for a special~~  
28 ~~election to fill the vacancy in office, the Governor shall also specify the~~  
29 ~~date on which the special primary elections shall be held and the date on~~  
30 ~~which a runoff primary election shall be held in the event that a candidate~~  
31 ~~does not receive a majority vote. The proclamation of the Governor shall also~~  
32 ~~establish the deadline for filing as a candidate for nomination, which~~  
33 ~~deadline shall allow at least ten (10) days in which candidates may file for~~  
34 ~~nomination.~~

35 ~~(D)(i) The date of the special primary election shall be~~  
36 ~~at least thirty (30) days but no more than sixty (60) days subsequent to the~~

1 ~~date fixed as a deadline for qualifying as a candidate for nomination. This~~  
2 ~~date shall be at least ten (10) days prior to the date fixed in the~~  
3 ~~proclamation for holding the special election to fill the vacancy in office.~~

4 ~~(ii)(a) The special primary election shall occur on~~  
5 ~~the second Tuesday of any month, except as provided in subdivision~~  
6 ~~(1)(D)(ii)(b) of this section.~~

7 ~~(b) Special primary elections held in months in which a presidential~~  
8 ~~preferential primary election, preferential primary election, general primary~~  
9 ~~election, or general election is scheduled to occur shall be held on the date~~  
10 ~~of the presidential preferential primary election, preferential primary~~  
11 ~~election, general primary election, or general election.~~

12 ~~(2) Special primary elections scheduled to occur in a month in~~  
13 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
14 ~~Tuesday of the month.~~

15 ~~(E) Certificates of nomination of persons nominated at a~~  
16 ~~special primary election shall be filed with, and the filing fees paid to,~~  
17 ~~the appropriate official at least seven (7) days prior to the date for~~  
18 ~~holding the special election to fill the vacancy in office;~~

19 ~~(2) Any person desiring to be a candidate for office as an~~  
20 ~~independent candidate without political party affiliation may file nomination~~  
21 ~~petitions signed by not less than three percent (3%) of the qualified~~  
22 ~~electors of the district or of the state, as the case may be, as determined~~  
23 ~~by the total number of votes cast in the last preceding general election for~~  
24 ~~all candidates for the office of Governor, but in no event shall more than~~  
25 ~~two thousand (2,000) signatures be required for a district office or more~~  
26 ~~than ten thousand (10,000) signatures be required for a state office or an~~  
27 ~~office in which a statewide race is required. The petitions shall be filed on~~  
28 ~~or before the deadline fixed in the proclamation of the Governor to file and~~  
29 ~~qualify as a candidate for nomination at the special primary elections. If no~~  
30 ~~special primary election is to be held, the Governor shall, in his~~  
31 ~~proclamation, establish the filing period for independent candidates; and~~

32 ~~(3) If the state committee of any political party fails to~~  
33 ~~notify the Governor within the time provided in subdivision (1)(A) of this~~  
34 ~~section of the desire to hold a special primary election to choose a nominee~~  
35 ~~of that political party as a candidate for election to fill the vacancy in~~  
36 ~~office, or if the state committee of any political party timely notifies the~~

~~Governor of the desire not to hold a primary election, the Governor shall, in issuing his proclamation calling for the special election, fix a deadline for filing as a nominee for election at the special election. In that event, nominations may be made upon certification of the chairman or secretary of a convention of delegates of a political party called and held in accordance with the rules of the party.~~

SECTION 24. Arkansas Code § 7-7-106 is amended to read as follows:

7-7-106. Filling vacancies in ~~certain offices~~ candidacy for nomination - Preferential primary.

(a) A political party may fill a vacancy if:

(1) A person is running unopposed in a preferential primary and cannot accept the nomination due to death; or

(2) Upon notification to the party that he or she will not accept the nomination due to a serious illness.

(b) The vacancy shall be filled within ten (10) calendar days after the death or notification to the political party.

(c) The vacancy shall be filled at a convention of the political party.

(d) If the vacancy is filled more than sixty-six (66) days before the preferential primary election, the name of the person filling the vacancy shall be printed on the ballot instead of the name of the person who vacated the candidacy.

(e) If the vacancy is filled less than sixty-six (66) days but before the date of the preferential primary, the name of the person subsequently elected to fill the vacancy in candidacy shall be declared the nominee even if the name of the person who vacated the candidacy appears on the preferential primary ballot.

(f) If the vacancy in candidacy is not filled before the date of the preferential primary election, a vacancy in nomination shall be deemed to exist on the date of the preferential primary election and the vacancy in nomination shall be filled under § 7-7-104.

SECTION 25. Arkansas Code § 7-7-203 is amended to read as follows:

7-7-203. Dates.

(a) The general primary election shall be held on the second Tuesday

1 in June preceding the general election.

2 (b) The preferential primary election shall be held on the Tuesday  
3 three (3) weeks prior to the general primary election.

4 (c)(1) Party pledges, if any, shall be filed and any filing fees of a  
5 political party, if any, shall be paid during regular office hours in the  
6 period beginning at 12:00 noon on the ~~third Tuesday~~ first weekday in March  
7 and ending at 12:00 noon on the ~~fourteenth~~ seventh day thereafter before the  
8 preferential primary election.

9 (2) A party certificate and the political practice pledge for  
10 primary elections shall be filed with the county clerk or the Secretary of  
11 State, as the case may be, during regular office hours in the period  
12 beginning at 12:00 noon on the ~~third Tuesday~~ first weekday in March and  
13 ending at 12:00 noon on the ~~fourteenth~~ seventh day thereafter before the  
14 preferential primary election.

15 (3) The name of a candidate who fails to file a party  
16 certificate by the filing deadline with the Secretary of State or county  
17 clerk, as the case may be, shall not appear on the ballot.

18 (4) Party pledges, if any, shall be filed, filing fees, if any,  
19 shall be paid, and party certificates and political practice pledges shall be  
20 filed for special primary elections on or before the deadline established by  
21 proclamation of the Governor.

22 ~~(5) Pledges and filing fees of the political party for a new~~  
23 ~~political party shall be filed and paid as provided in subsection (f) of this~~  
24 ~~section.~~

25 (d) ~~No later than forty (40)~~ At least seventy (70) days before the  
26 preferential primary election, the ~~chairman and secretary of the state~~  
27 ~~committee of the political party~~ Secretary of State shall certify the ballot  
28 to the various county committees and to the various county boards of election  
29 commissioners with the names of all candidates who have qualified with the  
30 state committee for election by filing the party pledge and paying the filing  
31 fees of the political party within the time required by law.

32 (e) Election officials of primary elections shall be selected by the  
33 county board of election commissioners in the same manner as in the general  
34 election.

35 ~~(f) Any group of voters desiring to form a new political party may do~~  
36 ~~so by filing a petition with the Secretary of State in accordance with § 7-7-~~

1 ~~205.~~

2 ~~(g)(f)~~(1) The county board shall convene, at the time specified in the  
3 notice to the members given by the chair of the board, no later than the  
4 tenth day after each primary election for the purpose of canvassing the  
5 returns and certifying the election results.

6 (2) If no time is specified for the meeting of the county board,  
7 the meeting shall be at 5:00 p.m.

8 ~~(h)(g)~~ The county convention of a political party holding a primary  
9 election shall be held on the first Monday following the date of the general  
10 primary.

11 ~~(i)(h)~~(1) The county board of election commissioners shall certify to  
12 the county clerk and the county committee a list of all nominated candidates  
13 for county, township, and municipal offices, and the political parties'  
14 county committee members and delegates.

15 (2) At the same time, the county board of election commissioners  
16 shall certify to the Secretary of State and the secretary of the state  
17 committee the results of the contests for all United States, state, and  
18 district offices. Immediately after ascertaining the results for all United  
19 States, state, and district offices, the Secretary of State shall certify to  
20 the state committee a list of all nominated candidates for the offices.

21 ~~(j)(i)~~(1)(A) The Secretary of State shall at least ~~seventy (70)~~ one  
22 hundred (100) days prior to the date of the general election notify by  
23 registered mail the chairman and secretary of the state committee of the  
24 respective political parties that a certificate of nomination is due for all  
25 nominated candidates for United States, state, and district offices in order  
26 that the candidates' names be placed on the ballot of the general election.

27 (B)(i) The state committee shall issue certificates of  
28 nomination to all nominated candidates for United States, state, and district  
29 offices, who shall file the certificates with the Secretary of State at least  
30 ~~sixty (60)~~ ninety (90) days prior to the general election.

31 (ii) However, if the chairman and secretary of the  
32 state committee of the respective political parties are not properly notified  
33 as directed by subdivision ~~(j)(i)~~(1)(A) of this section, the failure of a  
34 candidate to file a certificate of nomination shall not prevent that  
35 candidate's name from being placed on the ballot of the general election.

36 (2)(A) Each county clerk shall at least ~~sixty (60)~~ ninety (90)

1 days prior to the date of the general election notify by registered mail the  
2 chairmen and secretaries of the county committees of the respective political  
3 parties that a certified list of all nominated candidates for county,  
4 township, and municipal offices is due and shall be filed with the county  
5 board of election commissioners and the county clerk in order that the  
6 candidates' names be placed on the ballot for the general election.

7 (B)(i) Each county committee shall issue the certified  
8 list on behalf of those nominated candidates and submit the certified list to  
9 the county board of election commissioners and the county clerk at least  
10 ~~forty five (45) days but not more than fifty five (55)~~ eighty (80) days prior  
11 to the general election.

12 (ii) However, if the chairmen and secretaries of the  
13 county committees of the respective political parties are not properly  
14 notified as directed by subdivision ~~(j)~~(i)(2)(A) of this section, the failure  
15 of a certified list to be filed shall not prevent any candidate's name from  
16 being placed on the ballot of the general election.

17  
18 SECTION 26. Arkansas Code § 7-7-304(b), concerning names to be  
19 included on election ballots, is amended to read as follows:

20 (b)(1) If any candidate, either prior to the certification of the  
21 ballot for the preferential primary or subsequent to the preferential primary  
22 but prior to the certification of the ballot for the general primary  
23 election, shall notify the secretary of the state committee in the case of a  
24 United States, state, or district office or the secretary of the county  
25 committee in the case of a county, city, or township office, in writing,  
26 signed by the candidate and acknowledged before an officer authorized by law  
27 to take acknowledgments, of his or her desire to withdraw as a candidate for  
28 the office or position, then the committee shall immediately notify the  
29 county board of election commissioners or the State Board of Election  
30 Commissioners, as the case may be, and the name of the person shall not be  
31 printed on the preferential primary ballot or the general primary ballot, as  
32 the case may be.

33 (2) If one (1) of the two (2) candidates who received the  
34 highest number of votes, but not a majority, at the preferential primary  
35 election for an office or position withdraws prior to certification of the  
36 result at the preferential primary election, the remaining candidate who



1 received the most votes at the preferential primary election shall be  
2 certified as the nominee for the office or position and there shall not be a  
3 general primary election for that office or position.  
4

5 SECTION 27. Arkansas Code § 7-7-305(b), concerning the printing of  
6 election ballots, is amended to read as follows:

7 (b) The order in which the names of the respective candidates,  
8 including candidates for federal, state, and local offices and including  
9 persons nominated for committeemen and delegates to the county convention,  
10 and the order in which issues and measures are to appear on the ballots at  
11 all preferential and general primary elections shall be determined by lot at  
12 the public meeting of the county committee held not later than ~~thirty-five~~  
13 ~~(35)~~ sixty-five (65) days before the preferential primary election. Ten (10)  
14 days' written notice of the time and place of the meeting shall be given each  
15 member by the chair, vice chair, or secretary of the committee. The chair,  
16 vice chair, or secretary shall publish notice of the time and place of  
17 holding the meeting in some newspaper of general circulation in the county.  
18

19 SECTION 28. Arkansas Code § 7-7-403 is repealed:

20 ~~7-7-403. Declination of nomination.~~

21 ~~(a) The Secretary of State shall not certify the name of any candidate~~  
22 ~~whose certificate of nomination shall have been filed in his office who shall~~  
23 ~~have notified him in writing, acknowledged before an officer authorized by~~  
24 ~~law to take acknowledgments, that he will not accept the nomination specified~~  
25 ~~in the certificate of nomination.~~

26 ~~(b) The county board of election commissioners shall not include on~~  
27 ~~the ballot the name of any candidate whose certificate of nomination shall~~  
28 ~~have been filed with it, who shall have notified it in like manner that he~~  
29 ~~will not accept the nomination.~~  
30

31 SECTION 29. Arkansas Code § 7-8-102 is amended to read as follows:

32 7-8-102. Filling Senate vacancies.

33 (a) When any vacancy occurs in the representation of the State of  
34 Arkansas in the United States Senate by death, resignation, or otherwise, the  
35 Governor shall have the power and authority to fill the vacancy by temporary  
36 appointment until the people fill the vacancy by election at the next-ensuing

1 general election for state and county officers to be held more than sixty  
2 (60) days and less than twelve (12) months after the vacancy occurs.

3 ~~(b)(1)~~ If no general election for state and county officers occurs  
4 within twelve (12) months after the vacancy, the Governor shall call a  
5 special election to be held ~~not less than sixty (60) days and not in~~  
6 accordance with § 7-5-103(b) but in no event more than one hundred twenty  
7 (120) days after the vacancy occurs.

8 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
9 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

10 ~~(B)(i)(a) Special elections held in months in which a~~  
11 ~~presidential preferential primary election, preferential primary election, or~~  
12 ~~general primary election is scheduled to occur shall be held on the date of~~  
13 ~~the presidential preferential primary election, preferential primary~~  
14 ~~election, or general primary election.~~

15 ~~(b)(1)(A) If a special election is held on the date of the~~  
16 ~~presidential preferential primary election, preferential primary election, or~~  
17 ~~general primary election, the issue or issues to be voted upon at the special~~  
18 ~~election shall be included on the ballot of each political party.~~

19 ~~(B) However, separate ballots containing only the issue or~~  
20 ~~issues to be voted upon at the special election shall be prepared and made~~  
21 ~~available to voters requesting a separate ballot.~~

22 ~~(2) No voter shall be required to vote in a political party's~~  
23 ~~presidential preferential primary, preferential primary, or general primary~~  
24 ~~in order to be able to vote in the special election.~~

25 ~~(ii) Special elections scheduled to occur in a month~~  
26 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
27 ~~Tuesday of the month.~~

28  
29 SECTION 30. Arkansas Code § 7-9-111(h), concerning the determination  
30 of sufficiency of initiative and referendum petitions, is amended to read as  
31 follows:

32 ~~(h)(1)~~ Municipal referendum petition measures shall be submitted to  
33 the electors at a regular general election unless the petition expressly  
34 calls for a special election. If the date set by the petition does not allow  
35 sufficient time to comply with election procedures, then the city or town  
36 council shall fix the date for any special election on the referendum

1 measure. The date of any special election shall ~~not~~ be set in accordance with  
2 § 7-5-103(b) but in no event more than one hundred twenty (120) calendar days  
3 after the date of certification of sufficiency by the municipal clerk.

4 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
5 ~~any month, except as provided in subdivision (h)(2)(B) of this section.~~

6 ~~(B)(i)(a) Special elections held in months in which a~~  
7 ~~presidential preferential primary election, preferential primary election,~~  
8 ~~general primary election, or general election is scheduled to occur shall be~~  
9 ~~held on the date of the presidential preferential primary election,~~  
10 ~~preferential primary election, general primary election, or general election.~~

11 ~~(b)(1)(A) If a special election is held on the date of the~~  
12 ~~presidential preferential primary election, preferential primary election, or~~  
13 ~~general primary election, the issue or issues to be voted upon at the special~~  
14 ~~election shall be included on the ballot of each political party.~~

15 ~~(B) However, separate ballots containing only the issue or~~  
16 ~~issues to be voted upon at the special election shall be prepared and made~~  
17 ~~available to voters requesting a separate ballot.~~

18 ~~(2) No voter shall be required to vote in a political party's~~  
19 ~~presidential preferential primary, preferential primary, or general primary~~  
20 ~~in order to be able to vote in the special election.~~

21 ~~(ii) Special elections scheduled to occur in a month~~  
22 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
23 ~~Tuesday of the month.~~

24  
25 SECTION 31. Arkansas Code § 7-9-304(c), concerning nominating  
26 petitions, is amended to read as follows:

27 (c) The petitions shall be filed with the Secretary of State not less  
28 than ~~forty (40)~~ seventy (70) days before the next general election, and the  
29 Secretary of State shall certify the names of all candidates and the position  
30 which each is seeking to the county board of election commissioners of the  
31 counties in the respective House districts not later than ~~thirty (30)~~ seventy  
32 (70) days prior to the date of the election. A candidate must designate the  
33 position he is seeking at the time he files his nominating petition with the  
34 Secretary of State, and after having designated a position, the candidate is  
35 prohibited from changing to a different position.

36

1 SECTION 32. Arkansas Code § 7-10-103 is amended to read as follows:

2 7-10-103. Filing as a candidate.

3 (a) A candidate for a nonpartisan judicial office may pay a filing fee  
4 as provided for in this chapter, file a petition in the manner provided for  
5 in this chapter, or file as a write-in candidate in the manner as provided  
6 for in this chapter.

7 (b)(1) The State Board of Election Commissioners shall establish  
8 reasonable filing fees for nonpartisan judicial offices.

9 (2)(A) The filing fee for the offices of Justice of the Supreme  
10 Court, Judge of the Court of Appeals, and circuit judge shall be paid to the  
11 Secretary of State at the same time that the candidate files his or her  
12 political practices pledge. A candidate for district judge shall pay the  
13 filing fee to the county clerk at the same time that the candidate files his  
14 or her political practices pledge.

15 (B) The period for paying filing fees and filing political  
16 practice pledges shall begin at ~~12:00 noon on the third Tuesday in March and~~  
17 ~~end at 12:00 noon on the fourteenth day thereafter~~ 12:00 noon on the first  
18 weekday in March and end at 12:00 noon on the seventh day thereafter.

19 (3)(A) There is created on the books of the Treasurer of State,  
20 the Auditor of State, and the Chief Fiscal Officer of the State a fund to be  
21 known as the Judicial Filing Fee Fund.

22 (B) The filing fees shall be remitted to the Treasurer of  
23 State for deposit into the fund for covering the cost of election expenses of  
24 the state board.

25 (c)(1)(A)(i) Any person desiring to have his or her name placed on the  
26 ballot for a nonpartisan judicial office without paying a filing fee may do  
27 so by filing a petition in the manner provided for under this section.  
28 Petitions for Supreme Court, Court of Appeals, and circuit court positions  
29 shall be filed with the Secretary of State, and petitions for district court  
30 positions shall be filed with the applicable county clerk beginning at 12:00  
31 noon forty-six (46) days before the ~~third Tuesday~~ first weekday in March and  
32 ending at 12:00 noon thirty-two (32) days before the ~~third Tuesday~~ first  
33 weekday in March.

34 (ii) Political practice pledges for nonpartisan  
35 judicial candidates filing by petition shall be filed at the same time as the  
36 petition.

1                   (B) The petition shall be directed to the office with  
2 which it is to be filed and shall request that the name of the candidate be  
3 placed on the ballot for the election set forth in the petition. Candidates  
4 may begin circulating petitions not earlier than sixty (60) days prior to the  
5 filing deadline.

6                   (C) The Secretary of State or the county clerk, as the  
7 case may be, shall determine within thirty (30) days whether the petition  
8 contains the names of a sufficient number of qualified electors. The  
9 Secretary of State or county clerk shall verify the sufficiency of the  
10 petitions within thirty (30) days of filing. The sufficiency of any petition  
11 filed under the provisions of this section may be challenged in the same  
12 manner as provided by law for election contests, § 7-5-801 et seq.

13                   (D) Qualified electors signing the petitions must be  
14 registered voters in the geographic area applicable to the position at the  
15 time they sign the petition. Each qualified elector shall provide his or her  
16 printed name, signature, address, date of birth, and date of signing on the  
17 petition.

18                   (E) In determining the number of qualified electors in the  
19 state or in any court of appeals district or circuit court circuit, the total  
20 number of all votes cast therein for Governor in the immediately preceding  
21 general gubernatorial election shall be conclusive of the number of all  
22 qualified electors therein for purposes of this section.

23                   (2)(A) Candidates by petition for the Supreme Court shall file  
24 petitions signed by at least ten thousand (10,000) qualified electors or  
25 three per cent (3%) of the qualified electors residing within the state,  
26 whichever is the lesser.

27                   (B) Candidates by petition for the Court of Appeals shall  
28 file petitions signed by three per cent (3%) of the qualified electors  
29 residing within the court of appeals district for which the candidate seeks  
30 office, but in no event shall more than two thousand (2,000) signatures be  
31 required.

32                   (C) Candidates by petition for circuit judge shall file  
33 petitions signed by three per cent (3%) of the qualified electors residing  
34 within the circuit for which the candidate seeks office, but in no event  
35 shall more than two thousand (2,000) signatures be required.

36                   (D) Candidates by petition for district judge shall file

1 petitions signed by at least thirty (30) qualified electors who reside within  
2 the district for which the candidate seeks office.

3 (d) No votes for a write-in candidate in a nonpartisan judicial  
4 election shall be counted or tabulated unless the candidate or his or her  
5 agent gives notice in writing of his or her intention to be a write-in  
6 candidate to the county board of election commissioners and either:

7 (1)(A) The Secretary of State, if a candidate for a Supreme  
8 Court, Court of Appeals, or a circuit judgeship; or

9 (B) A county clerk, if a candidate for a district  
10 judgeship.

11 (2) The written notice must be given not later than sixty (60)  
12 days before the nonpartisan judicial election.

13 (3) Write-in candidates shall file a political practices pledge  
14 at the same time as filing a notice of intention.

15 (e)(1) A candidate for Justice of the Supreme Court, Judge of the  
16 Court of Appeals, or circuit judge shall file with the Secretary of State.

17 (2) A candidate for district judge shall file with the county  
18 clerk.

19  
20 SECTION 33. Arkansas Code § 12-10-318(a), concerning emergency  
21 telephone service charges, is amended to read as follows:

22 (a)(1)(A) When so authorized by a majority of the persons voting  
23 within the political subdivision in accordance with the law, the governing  
24 authority of each political subdivision may levy an emergency telephone  
25 service charge in the amount assessed by the political subdivision on a per-  
26 access-line basis as of January 1, 1997, or the amount up to five percent  
27 (5%) of the tariff rate, except that any political subdivision with a  
28 population of fewer than twenty-seven thousand five hundred (27,500)  
29 according to the 1990 Federal Decennial Census may, by a majority vote of the  
30 electors voting on the issue, levy an emergency telephone charge in an amount  
31 assessed by the political subdivision on a per-access-line basis as of  
32 January 1, 1997, or an amount up to twelve percent (12%) of the tariff rate.

33 (B) The governing authority of a political subdivision  
34 that has been authorized under subdivision (a)(1)(A) of this section to levy  
35 an emergency telephone service charge in an amount up to twelve percent (12%)  
36 of the tariff rate may decrease the percentage rate to not less than four

1 percent (4%) of the tariff rate for those telephone service users that are  
2 served by a telephone company with fewer than two hundred (200) access lines  
3 in this state as of the date of the election conducted under subdivision  
4 (a)(1)(A) of this section.

5 (2)(A) Upon its own initiative, the governing authority of the  
6 political subdivision may call such a special election to be held in  
7 accordance with § 7-5-103(b).

8 ~~(B)(i) The special election shall occur on the second~~  
9 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
10 ~~section.~~

11 ~~(ii) A special election held in a month in which a~~  
12 ~~presidential preferential primary election, preferential primary election,~~  
13 ~~general primary election, or general election is scheduled to occur shall be~~  
14 ~~held on the date of the presidential preferential primary election,~~  
15 ~~preferential primary election, general primary election, or general election.~~

16 ~~(2)(A)(i) If a special election is held on the date of the~~  
17 ~~presidential preferential primary election, preferential primary election, or~~  
18 ~~general primary election, the issue or issues to be voted upon at the special~~  
19 ~~election shall be included on the ballot of each political party.~~

20 ~~(ii) However, a separate ballot containing only the~~  
21 ~~issue or issues to be voted upon at the special election shall be prepared~~  
22 ~~and made available to a voter requesting a separate ballot.~~

23 ~~(B) No voter shall be required to vote in a political~~  
24 ~~party's presidential preferential primary election, preferential primary~~  
25 ~~election, or general primary election in order to be able to vote in the~~  
26 ~~special election.~~

27 ~~(b) A special election scheduled to occur in a month in which the~~  
28 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
29 ~~month.~~

30  
31 SECTION 34. Arkansas Code § 13-2-501(b), concerning the establishment  
32 and maintenance of public libraries, is amended to read as follows:

33 (b)(1) In a city of the first class, on petition of five percent (5%)  
34 of the voters requesting the establishment of a public library, the city  
35 council or governing body of the municipality within thirty (30) days after  
36 the filing of the petition shall call an election ~~to be held within sixty~~

1 ~~(60) days thereafter to be held in accordance with § 7-5-103(b).~~

2 (2)(A) The election shall be advertised and conducted as special  
3 elections are required by law to be advertised and conducted.

4 ~~(B)(i) The election shall occur on the second Tuesday of~~  
5 ~~any month, except as provided in subdivision (b)(2)(B)(ii) of this section.~~

6 ~~(ii) An election held in a month in which a~~  
7 ~~presidential preferential primary election, preferential primary election,~~  
8 ~~general primary election, or general election is scheduled to occur shall be~~  
9 ~~held on the date of the presidential preferential primary election,~~  
10 ~~preferential primary election, general primary election, or general election.~~

11 ~~(2)(A)(i) If an election is held on the date of the presidential~~  
12 ~~preferential primary election, preferential primary election, or general~~  
13 ~~primary election, the issue or issues to be voted upon at the election shall~~  
14 ~~be included on the ballot of each political party.~~

15 ~~(ii) However, a separate ballot containing only the~~  
16 ~~issue or issues to be voted upon at the election shall be prepared and made~~  
17 ~~available to a voter requesting a separate ballot.~~

18 ~~(B) No voter shall be required to vote in a political~~  
19 ~~party's presidential preferential primary election, preferential primary~~  
20 ~~election, or general primary election in order to be able to vote in the~~  
21 ~~election.~~

22 ~~(b) An election scheduled to occur in a month in which the second~~  
23 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

24 (C) The ballots shall be marked "FOR Public Library",  
25 "AGAINST Public Library".

26 (3) If a majority of the electors voting at the election vote in  
27 favor of the establishment of a public library, it shall be the duty of the  
28 city council or the governing body of the municipality immediately to  
29 establish a public library and continue to maintain it, in accordance with  
30 the provisions of this section.

31  
32 SECTION 35. Arkansas Code § 14-14-917(a), concerning initiative and  
33 referendum elections, is amended to read as follows:

34 (a) Time of Election for Initiative and Referendum Measures. (1)  
35 Initiative. Initiative petition measures shall be considered by the electors  
36 only at a regular general election at which state and county officers are



1 elected for regular terms.

2 (2) Referendum. Referendum petition measures may be submitted to  
3 the electors during a regular general election and shall be submitted if the  
4 adequacy of the petition is determined within the time limitation prescribed  
5 in this section. A referendum measure may also be referred to the electors at  
6 a special election called for the expressed purpose proposed by petition.  
7 However, no referendum petition certified within the time limitations  
8 established for initiative measures shall be referred to a special election,  
9 but shall be voted upon at the next regular election. No referendum election  
10 shall be held less than sixty (60) days after the certification of adequacy  
11 of the petition by the county clerk.

12 (3) Calling Special Elections. The jurisdiction to establish the  
13 necessity for a special election on referendum measures is vested in the  
14 electors through the provisions of petition. Where such jurisdiction is not  
15 exercised by the electors, the county court of each of the several counties  
16 may determine such necessity. However, a quorum court may compel the calling  
17 of a special election by a county court through resolution adopted during a  
18 regularly scheduled meeting of the quorum court. The resolution may specify a  
19 reasonable time limitation in which a county court order calling the special  
20 election shall be entered.

21 (4) Time of Special Election. The county court shall fix the  
22 date for the conduct of any special elections on referendum measures. The  
23 date shall be not less than ~~thirty (30) calendar days after the date of the~~  
24 ~~order calling the election~~ established under § 7-5-103(b). ~~However, where~~  
25 Where the electors exercise their powers to establish the necessity for a  
26 special election, the county court shall order an election according to the  
27 dates stated in § 7-5-103(b), ~~but not less than thirty (30) calendar days~~  
28 ~~after the date of the order calling the election.~~

29  
30 SECTION 36. Arkansas Code § 14-20-108(a), concerning dues for  
31 volunteer fire departments, is amended to read as follows:

32 (a)(1)(A) The quorum court of each county, upon request therefor filed  
33 with the court by one (1) or more volunteer fire departments in the county,  
34 may adopt an ordinance authorizing a designated county official to collect  
35 and remit to the department or departments the annual or quarterly dues  
36 charged by the department or departments in consideration of providing fire

1 protection to unincorporated areas in the county; or

2 (B)(i)(a) When any county quorum court receives a request  
3 for the levy of volunteer fire department dues, the quorum court by ordinance  
4 shall call for an election on the issue of the levy of the volunteer fire  
5 department dues on each residence if the request has been signed by the fire  
6 chief and all other officers of a volunteer fire department and filed with  
7 the county clerk.

8 (b) The issue may be placed on the ballot at a special election ~~or a~~  
9 ~~general election and in each case shall comply with the laws of this state~~  
10 ~~pertaining to special elections and general elections~~ by order of the county  
11 court in accordance with § 7-5-103(b).

12 (c) If the levy is approved by a majority of those voting on the  
13 issue, the dues shall be listed annually on real property tax statements and  
14 collected at the same time and in the same manner as real property taxes.

15 (ii) The cost of the election shall be borne by the  
16 volunteer fire department or departments that requested the levy.

17 ~~(iii)(a) The election shall occur on the second~~  
18 ~~Tuesday of any month, except as provided in subdivision (a)(1)(B)(iii)(b) of~~  
19 ~~this section.~~

20 ~~(b)(1)(A) Elections held in months in which a presidential~~  
21 ~~preferential primary election, preferential primary election, general primary~~  
22 ~~election, or general election is scheduled to occur shall be held on the date~~  
23 ~~of the presidential preferential primary election, preferential primary~~  
24 ~~election, general primary election, or general election.~~

25 ~~(B) If an election is held on the date of the presidential~~  
26 ~~preferential primary election, preferential primary election, or general~~  
27 ~~primary election, the issue or issues to be voted upon at the election shall~~  
28 ~~be included on the ballot of each political party. However, separate ballots~~  
29 ~~containing only the issue or issues to be voted upon at the election shall be~~  
30 ~~prepared and made available to voters requesting a separate ballot. No voter~~  
31 ~~shall be required to vote in a political party's presidential preferential~~  
32 ~~primary, preferential primary, or general primary in order to be able to vote~~  
33 ~~in the election.~~

34 ~~(2) Elections scheduled to occur in a month in which the second~~  
35 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

36 (2) The ordinance enacted by the court shall set forth the terms

1 and conditions on which such dues are to be collected by the county and for  
2 the remission of the dues to the volunteer fire departments.

3 (3) Provided, however, active members of the volunteer fire  
4 departments whose annual or quarterly dues are collected in this manner may  
5 be exempt from the annual or quarterly dues charged by the department at the  
6 discretion of the volunteer fire department in consideration of providing  
7 services to the department.

8  
9 SECTION 37. Arkansas Code § 14-37-112 is amended to read as follows:  
10 14-37-112. Incorporated town may become city of the second class.

11 (a)(1) Any incorporated town in this state may become a city of the  
12 second class by the adoption and publication of an ordinance, duly adopted  
13 and published as provided by law, converting the incorporated town into a  
14 city of the second class. However, after the adoption and publication of the  
15 ordinance, the qualified voters of the town shall vote in any general  
16 election, or a special election called by the mayor to be held in accordance  
17 with § 7-5-103(b), in favor of the ordinance.

18 (2) If a majority of the qualified electors voting in the  
19 election vote in favor of the ordinance, a certified copy of the ordinance  
20 shall be filed with the Secretary of State. Thereupon the incorporated town  
21 shall become a city of the second class.

22 (b)(1) The officers of the incorporated town, upon filing with the  
23 Secretary of State the certified copy of the ordinance, shall immediately  
24 become officers of the city of the second class with full authority to  
25 proceed, do, and perform any and all things for, and on behalf of, the city  
26 of the second class as if elected as officers of the city of the second  
27 class. They shall serve as officers for the full period of time for which  
28 they were elected or until their successors are elected and qualified.

29 (2)(A) At the regular time for holding election of officers of  
30 incorporated towns, there shall be an election for the election of officers  
31 of the city of the second class, who shall hold office as officers of the  
32 city of the second class until the next regular time fixed by law for  
33 electing officers of a city of the second class or until their successors are  
34 elected and qualified.

35 (B)(i) However, the mayor of the incorporated town which  
36 has been raised to a city of the second class may call a special election by

1 proclamation ~~effective sixty (60) days after its date~~ to be held in  
2 accordance with § 7-5-103(b) which shall be published by two (2) insertions  
3 ~~within the sixty-day period~~ in a newspaper of general circulation in the  
4 county in which the city is located. This special election shall be held for  
5 the purpose of electing officers for the city of the second class.

6 ~~(ii) The special election shall occur on the second~~  
7 ~~Tuesday of any month, except as provided in subdivision (b)(2)(B)(ii)(b) of~~  
8 ~~this section.~~

9 ~~(iii) Special elections held in months in which a~~  
10 ~~presidential preferential primary election, preferential primary election,~~  
11 ~~general primary election, or general election is scheduled to occur shall be~~  
12 ~~held on the date of the presidential preferential primary election,~~  
13 ~~preferential primary election, general primary election, or general election.~~

14 ~~(iv)(a) If a special election is held on the date of~~  
15 ~~the presidential preferential primary election, preferential primary~~  
16 ~~election, or general primary election, the issue or issues to be voted upon~~  
17 ~~at the special election shall be included on the ballot of each political~~  
18 ~~party.~~

19 ~~(b) However, separate ballots containing only the issue or issues to~~  
20 ~~be voted upon at the special election shall be prepared and made available to~~  
21 ~~voters requesting a separate ballot.~~

22 ~~(v) No voter shall be required to vote in a~~  
23 ~~political party's presidential preferential primary, preferential primary, or~~  
24 ~~general primary in order to be able to vote in the special election.~~

25 ~~(vi) Special elections scheduled to occur in a month~~  
26 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
27 ~~Tuesday of the month.~~

28  
29 SECTION 38. Arkansas Code § 14-38-112 is amended to read as follows:

30 14-38-112. Reactivation of inactive city or incorporated town.

31 (a) The government of any city or incorporated town in this state  
32 which has become inactive because of failure to elect the officials of the  
33 city or incorporated town and no action has been taken to dissolve the  
34 charter of the city or incorporated town may be reactivated upon petition of  
35 a majority of the qualified electors of the city or incorporated town as  
36 provided in this section.

1           (b)(1)(A) Whenever a majority of the qualified electors of any  
2 inactive city or incorporated town as determined by the total number of  
3 qualified registered voters in the city or incorporated town shall desire to  
4 reactivate the government of the city or incorporated town, they may file a  
5 petition therefor with the county court of the county in which the city or  
6 incorporated town is located.

7                   (B) The petition authorized in this section shall request  
8 the county court to call a special election for the election of mayor,  
9 aldermen, and other elected officials of the city or incorporated town.

10                   (C)(i) When any petition is filed with the court, the  
11 court shall set a date for a hearing on the petition.

12                           (ii) The date for the hearing shall not be less than  
13 thirty (30) days after the filing of the petition.

14           (2)(A) Between the time of the filing of the petition and the  
15 date of the hearing, the petitioners shall cause a notice to be published in  
16 some newspaper of general circulation in the county where the affected city  
17 or incorporated town lies, which shall be published by one (1) insertion in  
18 the newspaper.

19                   (B) If there is no newspaper of general circulation in the  
20 county, notice shall be posted in some public place within the limits of the  
21 city or incorporated town and in the county seat of the county in which the  
22 city or incorporated town is located, for the next three (3) weeks before the  
23 date of the hearing.

24                   (C) The notice referred to in this subdivision shall  
25 contain the substance of the petition and shall state the time and place  
26 appointed for the hearing thereof.

27           (c)(1) The purpose of the hearing shall be to determine the  
28 sufficiency of the petitions.

29           (2)(A) If the county court determines that a majority of the  
30 qualified electors of the city or incorporated town, as reflected by the  
31 voter registration records of the county, has petitioned for the calling of a  
32 special election to elect the municipal officials of the city or incorporated  
33 town, the county court shall enter an order approving the petitions and shall  
34 call a special election to be held in accordance with § 7-5-103(b) for the  
35 election of the officials of the city or incorporated town.

36                   (B)(i) The election shall be ~~called within sixty (60) days~~

1 ~~of held no later than ninety (90) days after the order of the county court.~~

2 ~~(ii) The election shall be conducted in the same~~  
3 ~~manner as provided by law for conducting special elections to elect officials~~  
4 ~~of a newly incorporated city or town.~~

5 ~~(iii) The election shall occur on the second Tuesday~~  
6 ~~of any month, except as provided in subdivisions (c)(2)(B)(iv) (v) of this~~  
7 ~~section.~~

8 ~~(iv) Elections held in months in which a~~  
9 ~~presidential preferential primary election, preferential primary election,~~  
10 ~~general primary election, or general election is scheduled to occur shall be~~  
11 ~~held on the date of the presidential preferential primary election,~~  
12 ~~preferential primary election, general primary election, or general election.~~

13 ~~(v) If an election is held on the date of the~~  
14 ~~presidential preferential primary election, preferential primary election, or~~  
15 ~~general primary election, the issue or issues to be voted upon at the~~  
16 ~~election shall be included on the ballot of each political party. However,~~  
17 ~~separate ballots containing only the issue or issues to be voted upon at the~~  
18 ~~election shall be prepared and made available to voters requesting a separate~~  
19 ~~ballot.~~

20 ~~(vi) No voter shall be required to vote in a~~  
21 ~~political party's presidential preferential primary, preferential primary, or~~  
22 ~~general primary in order to be able to vote in the election.~~

23 ~~(vii) Elections scheduled to occur in a month in~~  
24 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
25 ~~Tuesday of the month.~~

26 (C) The officials so elected shall assume the duties of  
27 their respective offices in the same manner and for such terms as provided by  
28 law for officials of newly incorporated cities or towns.

29  
30 SECTION 39. Arkansas Code § 14-38-113 is amended to read as follows:  
31 14-38-113. Reorganization under different form of government.

32 (a) When any municipality of this state is entitled by law to become  
33 reorganized under a different form of municipal government than that under  
34 which the municipality is operating, whether the form is the aldermanic form  
35 of government, the city manager form of government, or the commission form of  
36 government, upon the approval of a majority of the qualified electors of the

1 municipality voting on the issue at an election called therefor, an election  
2 to submit the question of becoming organized under any such form of municipal  
3 government shall be called and conducted in the manner provided in this  
4 section:

5 (1) When petitions shall be filed with the mayor containing the  
6 signatures of qualified electors of the municipality equal in number to  
7 fifteen percent (15%) of the aggregate number of votes cast at the preceding  
8 general municipal election of all candidates for mayor in the case of a  
9 municipality operating under the aldermanic form of government or the  
10 commission form of government, and for all candidates for the office of  
11 director for the director position for which the greatest number of votes  
12 were cast in the case of a municipality operating under the manager form of  
13 government, requesting that an election be called to submit the proposition  
14 of organizing the municipality under any other form of municipal government  
15 authorized by the laws of this state, a special election shall be called by  
16 the mayor by proclamation, ~~and the date of the election shall be specified~~  
17 ~~therein~~ to be held in accordance with § 7-5-103(b). The proclamation shall be  
18 published one (1) time at length in a newspaper having a general circulation  
19 in the municipality, and notice of the election shall be published in the  
20 newspaper one (1) time a week for two (2) weeks, with the first publication  
21 to be not less than fifteen (15) days before the date set for the election;

22 (2)(A) At the election, the proposition shall be submitted to  
23 the electors in substantially the following form:

24  
25  
26  
27

28 "FOR the proposition to organize this city under the .....form

29  
30

31 of government .....[ ]"

32  
33

34 "AGAINST the proposition to organize this city under the

35 .....

36

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*form of government .....[ ]"*

*(B) The election thereupon shall be conducted, the votes canvassed, and the results declared in the same manner as is provided by law with respect to other city elections. The county board of election commissioners shall certify the results of any election to the mayor. The result so certified shall be conclusive and not subject to attack unless suit is brought to contest the certification within thirty (30) days after the certification in the circuit court of the county in which the municipality is situated;*

*(3)(A) If a majority of the votes cast at the election are in favor of the proposition and no suit is brought to contest the certification of the results of the election within the thirty-day period after the certification by the county board of election commissioners, the mayor shall file certificates stating that the proposition was adopted with the Secretary of State and the county clerk of the county in which the municipality is situated. Thereafter, the municipality shall proceed to elect officials of the municipality in the manner and at the time provided by law for the election of municipal officials in municipalities operating under the form of government adopted by the municipality.*

*(B)(i) However, if a municipality votes to change its form of government and the date of the election to change its form of municipal government is six (6) months or more prior to the next regular general election for municipal officials, the mayor of the municipality by proclamation shall call a special election to be held in accordance with § 7-5-103(b) for the purpose of electing municipal officials under the form of government adopted by the municipality. When the officials are elected, the municipality shall proceed to organize and operate under the newly adopted form of government.*

*(ii) The mayor's proclamation shall be issued within one (1) business day after the results of the election have been certified to him or her. The proclamation shall be published at least one (1) time a week for two (2) weeks in a newspaper having general circulation within the municipality, and the date of the special election shall be within ~~fifty-five~~ ninety (90) days from the date of the proclamation calling the special election.*



1 ~~(iii) The special election shall occur on the second~~  
2 ~~Tuesday of any month, except as provided in subdivision (a)(3)(B)(iv) of this~~  
3 ~~section.~~

4 ~~(iv)(a) Special elections held in months in which a~~  
5 ~~presidential preferential primary election, preferential primary election,~~  
6 ~~general primary election, or general election is scheduled to occur shall be~~  
7 ~~held on the date of the presidential preferential primary election,~~  
8 ~~preferential primary election, general primary election, or general election.~~

9 ~~(b) If a special election is held on the date of the presidential~~  
10 ~~preferential primary election, preferential primary election, or general~~  
11 ~~primary election, the issue or issues to be voted upon at the special~~  
12 ~~election shall be included on the ballot of each political party. However,~~  
13 ~~separate ballots containing only the issue or issues to be voted upon at the~~  
14 ~~special election shall be prepared and made available to voters requesting a~~  
15 ~~separate ballot.~~

16 ~~(c) No voter shall be required to vote in a political party's~~  
17 ~~presidential preferential primary, preferential primary, or general primary~~  
18 ~~in order to be able to vote in the special election.~~

19 ~~(d) Special elections scheduled to occur in a month in which the~~  
20 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
21 ~~month.~~

22 ~~(v)(iii)(a) When any municipality changes forms of~~  
23 ~~government in the manner provided in this section, the question of changing~~  
24 ~~the form of government of the municipality shall not again be submitted to~~  
25 ~~the electors thereof until the expiration of four (4) years from the date on~~  
26 ~~which the first officers are elected for the form of government adopted at~~  
27 ~~the election.~~

28 (b) If a majority of the qualified electors of a municipality vote  
29 against adopting a different form of government, the question shall not again  
30 be submitted to the electors thereof for a period of two (2) years after the  
31 date of the election in which the proposed change of government in the  
32 municipality was rejected; and

33 (4)(A) Each signature on a petition filed, as provided in this  
34 section, shall have been signed within one hundred eighty (180) days prior to  
35 the filing of the petition. All signatures not signed within this time shall  
36 be void for the purposes of determining the adequate number of signatures

1 required to call an election under this section.

2 (B) The date of execution of the petitions may be  
3 established by affidavit of the person circulating the petition or by the  
4 person signing the petition affixing the date of signing immediately  
5 following his name.

6 (b) It is the intent and purpose of this section to prescribe a  
7 uniform procedure whereby municipalities of this state may submit to the  
8 qualified electors of any such municipality the proposition of adopting and  
9 becoming organized under any form of municipal government authorized under  
10 the laws of this state.

11  
12 SECTION 40. Arkansas Code § 14-40-303 is amended to read as follows:  
13 14-40-303. Annexation ordinance - Election - Procedures.

14 (a) The annexation ordinance shall:

15 (1) Contain an accurate description of the lands desired to be  
16 annexed;

17 (2) Include a schedule of the services of the annexing  
18 municipality that will be extended to the area within three (3) years after  
19 the date the annexation becomes final; and

20 (3) Fix the date for the election provided in this section.

21 (b)(1) The annexation ordinance shall not become effective until the  
22 question of annexation is submitted to the qualified electors of the annexing  
23 municipality and of the area to be annexed at the next general election or at  
24 a special election. The special election shall be ~~conducted no earlier than~~  
25 ~~sixty (60) days after the date of enactment of the ordinance. The special~~  
26 ~~election shall occur on the second Tuesday of the month, except as provided~~  
27 ~~in subdivision (b)(2) of this section called by ordinance or proclamation of~~  
28 ~~the mayor of the annexing municipality in accordance with § 7-5-103(b).~~

29 ~~(2) Special elections held in months in which a presidential~~  
30 ~~preferential primary election, preferential primary election, general primary~~  
31 ~~election, or general election is scheduled to occur shall be held on the date~~  
32 ~~of the presidential preferential primary election, preferential primary~~  
33 ~~election, general primary election, or general election.~~

34 ~~(3)(A) If a special election is held on the date of the~~  
35 ~~presidential preferential primary election, preferential primary election, or~~  
36 ~~general primary election, the issue or issues to be voted upon at the special~~

1 ~~election shall be included on the ballot of each political party.~~

2 ~~(B) However, separate ballots containing only the issue or~~  
3 ~~issues to be voted upon at the special election shall be prepared and made~~  
4 ~~available to voters requesting a separate ballot.~~

5 ~~(4) No voter shall be required to vote in a political party's~~  
6 ~~presidential preferential primary, preferential primary, or general primary~~  
7 ~~in order to be able to vote in the special election.~~

8 ~~(5) Special elections scheduled to occur in a month in which the~~  
9 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
10 ~~month.~~

11 ~~(6)(2)(A)~~ If a majority of the qualified electors voting in the  
12 election vote for the annexation, no later than seven (7) days following the  
13 election, the county clerk shall certify the election results and record the  
14 same, along with the description and a map of the annexed area, in the county  
15 records, and file a certified copy thereof with the Secretary of State.

16 (B) The annexation shall be effective, and the lands  
17 annexed shall be included within the corporate limits of the annexing  
18 municipality thirty (30) days following the date of recording and filing of  
19 the description and map, as provided in this section, or in the event an  
20 action is filed with the circuit court as provided in § 14-40-304, on the  
21 date the judgment of the court becomes final.

22 ~~(7)(3)~~ If a majority of the qualified electors voting on the  
23 issue at the election vote against the annexation, the annexation ordinance  
24 shall be null and void.

25 (c)(1)(A) The city clerk shall certify two (2) copies of the  
26 annexation ordinance and a plat or map of the area to be annexed and convey  
27 one (1) copy to the county clerk and one (1) copy to the county election  
28 commission at least sixty (60) days before the election.

29 (B)(i) No later than forty-five (45) days prior to the  
30 election, the city shall identify all persons who reside within the area  
31 proposed to be annexed, and the county clerk shall assist the city in  
32 determining the names and addresses of all qualified electors residing within  
33 that area.

34 (ii) The failure to identify all persons residing  
35 within the area proposed to be annexed or the failure to determine the names  
36 and addresses of all qualified electors residing within that area shall not

1 *invalidate or otherwise affect the results of the election.*

2 *(C) All of the qualified electors residing within the*  
3 *territory to be annexed shall be entitled to vote in the election.*

4 *(D) The city clerk shall give notice of the election by*  
5 *publication by at least one (1) insertion in some newspaper having a general*  
6 *circulation in the city.*

7 *(2)(A) The county clerk shall give notice of the voter*  
8 *registration deadlines at least forty (40) days before the election by*  
9 *ordinary mail to those persons whose names and addresses are on the list*  
10 *provided by the city clerk.*

11 *(B) The county clerk shall prepare a list by precinct of*  
12 *all those qualified electors residing within the area to be annexed who are*  
13 *qualified to vote in that precinct and furnish that list to the election*  
14 *officials at the time the ballot boxes are delivered.*

15 *(3) If the county clerk or the county election commission shall*  
16 *fail to perform any duties required of it, then any interested party may*  
17 *apply for a writ of mandamus to require the performance of the duties. The*  
18 *failure of the county clerk or the county election commission to perform the*  
19 *duties shall not void the annexation election unless a court finds that the*  
20 *failure to perform the duties substantially prejudiced an interested party.*

21 *(d) If the annexation is approved and becomes final, the governing*  
22 *body of the city shall, by ordinance, as soon as practical after the*  
23 *annexation, attach and incorporate such annexed territory to and in one (1)*  
24 *or more wards of the city lying adjacent thereto, and the territory so*  
25 *assigned and attached to a ward shall thereafter be considered and become a*  
26 *part thereof as fully as any other part of the city.*

27 *(e) From the map or plat provided by city ordinance of the wards*  
28 *assigned, the county clerk shall proceed to ascertain and determine the*  
29 *voters' proper precinct and shall enter the same upon the voter registration*  
30 *records of those inhabitants of the territory so annexed and give notice of*  
31 *that change within thirty (30) days after the adoption of the city ordinance*  
32 *assigning the territory to wards.*

33 *(f)(1) In the event that within thirty (30) days of the date that one*  
34 *(1) city calls for an annexation election, another city calls for an*  
35 *annexation election on all or part of the same land proposed to be annexed by*  
36 *the first city, then both annexation elections shall be held; provided that*

1 the second city must call for its annexation election to be held ~~within~~  
2 ~~thirty (30) days~~ on the next available date in accordance with § 7-5-103(b)  
3 before or after the holding of the first city's election.

4 (2)(A) If the annexation election held first is approved by the  
5 voters, the results of it shall be stayed until the second annexation  
6 election is held.

7 (B)(i) If only one (1) of the annexation elections is  
8 approved by the voters, then the city that called that election shall proceed  
9 with the annexation of the land.

10 (ii) If both annexation elections are approved by  
11 the voters, then a third election shall be held three (3) weeks after the  
12 second annexation election. The provisions of § 7-5-103(b) governing the  
13 procedures and dates on which special elections may be held shall not apply  
14 to the third annexation election provided in this subsection.

15 (iii) Notice of the third election shall be  
16 published in a newspaper circulated in the area to be annexed during the  
17 three-week period following the second election.

18 ~~(iii)~~(iv) Only the residents of the area proposed to  
19 be annexed by both cities shall vote in the third election.

20 ~~(iv)~~(v) The issue on the ballot in the third  
21 election shall be into which of the two (2) cities the residents of the area  
22 want to be annexed.

23 ~~(v)~~(vi) The area shall be annexed into the city  
24 receiving the most votes in the third election.

25 ~~(vi)~~(vii) In the event of a tie vote in the third  
26 election, the area shall be annexed to the city that had the highest  
27 percentage vote in favor of the annexation in the first or second election.

28 (3) If the city that does not get to annex the area voted on by  
29 both cities included land in its annexation election other than the land  
30 voted on by both cities, then that land shall be annexed into such city if it  
31 is still contiguous to such city after the other land is annexed to the other  
32 city, but such land shall remain part of the county if it is not so  
33 contiguous.

34  
35 SECTION 41. Arkansas Code § 14-40-1202(a), concerning the calling of  
36 annexation special elections, is amended to read as follows:

1           (a)(1)(A) Upon presentation of the petition to the county court by the  
2 authorized persons, the court shall at once order and call a special election  
3 to be held in accordance with § 7-5-103(b) in both of the municipal  
4 corporations on the question of the annexation and the name of the proposed  
5 consolidated municipality.

6                       (B) The court shall give thirty (30) days' notice of the  
7 election by publication one (1) time a week in some newspaper with a bona  
8 fide circulation in the territory and by notices posted in conspicuous places  
9 in the territory.

10                      ~~(C)(i) The special election shall occur on the second~~  
11 ~~Tuesday of any month, except as provided in subdivision (a)(1)(C)(ii) of this~~  
12 ~~section.~~

13                      ~~(ii) Special elections held in months in which a~~  
14 ~~presidential preferential primary election, preferential primary election,~~  
15 ~~general primary election, or general election is scheduled to occur shall be~~  
16 ~~held on the date of the presidential preferential primary election,~~  
17 ~~preferential primary election, general primary election, or general election.~~

18                      ~~(2)(A)(i) If a special election is held on the date of the~~  
19 ~~presidential preferential primary election, preferential primary election, or~~  
20 ~~general primary election, the issue or issues to be voted upon at the special~~  
21 ~~election shall be included on the ballot of each political party.~~

22                      ~~(ii) However, separate ballots containing only the~~  
23 ~~issue or issues to be voted upon at the special election shall be prepared~~  
24 ~~and made available to voters requesting a separate ballot.~~

25                      ~~(B) No voter shall be required to vote in a political~~  
26 ~~party's presidential preferential primary, preferential primary, or general~~  
27 ~~primary in order to be able to vote in the special election.~~

28                      ~~(b) Special elections scheduled to occur in a month in which the~~  
29 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
30 ~~month.~~

31                      (2) The court shall appoint one (1) judge and one (1) clerk in  
32 each ward or other division of each municipal corporation, and the mayor and  
33 city council of each of the municipal corporations shall select two (2)  
34 judges and one (1) clerk for each of the wards or other divisions having the  
35 qualifications of electors, to act as judges and clerks of election within  
36 the respective wards.

1           (3) The court shall fix all polling places at which the voting  
2 shall take place.

3  
4           SECTION 42. Arkansas Code § 14-40-1207 is amended to read as follows:  
5           14-40-1207. Special election of aldermen or all city officials.

6           (a)(1)(A) Except as provided under subdivision (a)(1)(B) of this  
7 section, the city or town council shall call a special election of aldermen,  
8 to be held at such times and places as the council may direct pursuant to a  
9 proclamation issued by the mayor in accordance with § 7-5-103(a), in the  
10 wards of the smaller municipality and for the election of aldermen from any  
11 other new wards that may be created by the council out of territory included  
12 in the larger city or incorporated town before the annexation, as provided in  
13 this subchapter.

14           (B) If the petition calls for a citywide election for all  
15 officials of the new consolidated city or incorporated town, then the city or  
16 town council shall call a special election pursuant to a proclamation issued  
17 by the mayor in accordance with § 7-5-103(a) for all city or town officials  
18 to be held at the times and places as it may direct throughout each ward of  
19 the consolidated city or incorporated town.

20           (2) If the implementation of the consolidation of the cities or  
21 towns is delayed, the special election for new aldermen or all city officials  
22 shall be held at least forty-five (45) days before the effective date of the  
23 consolidation.

24           ~~(3)(A) The special election shall occur on the second Tuesday of~~  
25 ~~any month, except as provided in subdivision (a)(3)(B) of this section.~~

26           ~~(B)(i) Special elections held in months in which a~~  
27 ~~presidential preferential primary election, preferential primary election,~~  
28 ~~general primary election, or general election is scheduled to occur shall be~~  
29 ~~held on the date of the presidential preferential primary election,~~  
30 ~~preferential primary election, general primary election, or general election.~~

31           ~~(ii)(a) If a special election is held on the date of~~  
32 ~~the presidential preferential primary election, preferential primary~~  
33 ~~election, or general primary election, the issue or issues to be voted upon~~  
34 ~~at the special election shall be included on the ballot of each political~~  
35 ~~party.~~

36           ~~(b) However, separate ballots containing only the issue or issues to~~

1 ~~be voted upon at the special election shall be prepared and made available to~~  
2 ~~voters requesting a separate ballot.~~

3 ~~(iii) No voter shall be required to vote in a~~  
4 ~~political party's presidential preferential primary, preferential primary, or~~  
5 ~~general primary in order to be able to vote in the special election.~~

6 ~~(iv) Special elections scheduled to occur in a month~~  
7 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
8 ~~Tuesday of the month.~~

9 (b) Each ward of the consolidated city or incorporated town shall have  
10 two (2) aldermen, to be elected in the same manner and for the same term as  
11 aldermen are elected in cities and incorporated towns.

12  
13 SECTION 43. Arkansas Code § 14-42-104 is amended to read as follows:

14 14-42-104. Vacancies in certain alderman positions.

15 When a vacancy occurs in any position of alderman in a city having a  
16 population of fifty thousand (50,000) or more, according to the most recent  
17 federal decennial census, and having a mayor-council form of government in  
18 which the electors of each ward elect one (1) or more aldermen, a new  
19 alderman shall be chosen in the following manner:

20 (1)(A) If the unexpired portion of the term of alderman exceeds  
21 one (1) year, a successor shall be elected by a vote of the electors of the  
22 ward. The city council shall order a special election to be held ~~within sixty~~  
23 ~~(60) days of the date pursuant to a proclamation issued by the mayor in~~  
24 accordance with § 7-5-103(a) no later than ninety (90) days after the date  
25 the vacancy occurs; and

26 ~~(B)(i) The special election shall occur on the second~~  
27 ~~Tuesday of any month, except as provided in subdivision (1)(B)(ii) of this~~  
28 ~~section.~~

29 ~~(ii) Special elections held in months in which a~~  
30 ~~presidential preferential primary election, preferential primary election,~~  
31 ~~general primary election, or general election is scheduled to occur shall be~~  
32 ~~held on the date of the presidential preferential primary election,~~  
33 ~~preferential primary election, general primary election, or general election.~~

34 (2)(A)(i) ~~If a special election is held on the date of the~~  
35 ~~presidential preferential primary election, preferential primary election, or~~  
36 ~~general primary election, the issue or issues to be voted upon at the special~~



1 ~~election shall be included on the ballot of each political party.~~

2 ~~(ii) However, separate ballots containing only the~~  
3 ~~issue or issues to be voted upon at the special election shall be prepared~~  
4 ~~and made available to voters requesting a separate ballot.~~

5 ~~(B) No voter shall be required to vote in a political party's~~  
6 ~~presidential preferential primary, preferential primary, or general primary~~  
7 ~~in order to be able to vote in the special election.~~

8 ~~(b) Special elections scheduled to occur in a month in which the~~  
9 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
10 ~~month; and~~

11 (2) If the unexpired portion of the term of alderman is one (1)  
12 year or less, a successor shall be chosen by a majority vote of the members  
13 of the city council.

14  
15 SECTION 44. Arkansas Code § 14-42-203 is amended to read as follows:  
16 14-42-203. Special elections of city mayors.

17 (a)~~(1)~~ Special elections of mayors of cities of the first class and  
18 cities of the second class shall be held at such time and place as the  
19 council directs in accordance with § 7-5-103(a).

20 ~~(2)(A) The special election shall be held on the second Tuesday~~  
21 ~~of any month, except as provided by subdivision (a)(2)(B) of this section.~~

22 ~~(B) Special elections held in months in which a~~  
23 ~~presidential preferential primary election, preferential primary election,~~  
24 ~~general primary election, or general election is scheduled to occur shall be~~  
25 ~~held on the date of the presidential preferential primary election,~~  
26 ~~preferential primary election, general primary election, or general election.~~

27 ~~(C)(i) If a special election is held on the date of the~~  
28 ~~presidential preferential primary election, preferential primary election, or~~  
29 ~~general primary election, the issue or issues to be voted upon at the special~~  
30 ~~election shall be included on the ballot of each political party.~~

31 ~~(ii) However, separate ballots containing only the~~  
32 ~~issue or issues to be voted upon at the special election shall be prepared~~  
33 ~~and made available to voters requesting a separate ballot.~~

34 ~~(D) No voter shall be required to vote in a political~~  
35 ~~party's presidential preferential primary, preferential primary, or general~~  
36 ~~primary in order to be able to vote in the special election.~~

1                   ~~(E) Special elections scheduled to occur in a month in~~  
2 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
3 ~~Tuesday of the month.~~

4           (b) In all cities there shall be a place appointed in each ward for  
5 holding elections, except in cities of the second class electing their  
6 aldermen citywide, where there may be one (1) public place only for holding  
7 elections.

8           (c) Any person who, at the time of the election of municipal officers,  
9 is a qualified elector and registered to vote in the city precinct where he  
10 resides shall be deemed a qualified elector.

11           (d) All elections shall be held and conducted in the manner prescribed  
12 by law for holding state and county elections, so far as the laws may be  
13 applicable.

14  
15           SECTION 45. Arkansas Code § 14-42-206 is amended to read as follows:  
16           14-42-206. Municipal primary elections - Nominating petitions.

17           (a)(1) The city or town council of any city or town with the mayor-  
18 council form of government, by resolution passed before January 1 of the year  
19 of the election, may request the county party committees of recognized  
20 political parties under the laws of the state to conduct party primaries for  
21 municipal offices for the forthcoming year.

22                   (2) The resolution shall remain in effect for the subsequent  
23 elections unless revoked by the city or town council.

24                   (3) When the resolution has been adopted, the clerk or recorder  
25 shall mail a certified copy of the resolution to the chairs of the county  
26 party committees and to the chairs of the state party committees.

27                   (4) Candidates nominated for municipal office by political  
28 primaries under this section shall be certified by the county party  
29 committees to the county board of election commissioners and shall be placed  
30 on the ballot at the general election.

31           (b)(1) Any person desiring to become an independent candidate for  
32 municipal office in cities and towns with the mayor-council form of  
33 government shall file not more than ~~one hundred ten (110)~~ ninety (90) nor  
34 less than ~~ninety (90)~~ seventy (70) days prior to the general election by  
35 12:00 noon with the county clerk the petition of nomination in substantially  
36 the following forms:

1 (A) For all candidates except aldermen in cities of the  
2 first class and cities of the second class:

3  
4  
5  
6 "PETITION OF NOMINATION  
7

8 We, the undersigned qualified electors of the city (town) of \_\_\_\_\_,  
9 Arkansas, being in number not less than ten (10) for incorporated towns and  
10 cities of the second (2nd) class, and not less than thirty (30) for cities of  
11 the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed  
12 on the ballot for the office of \_\_\_\_\_ at the next election of municipal  
13 officials in 20 \_\_\_\_\_.  
14  
15

16 Printed Signature Street Address Date of Date of

17  
18  
19 Name Birth Signing  
20  
21  
22  
23  
24 .....

25  
26 (B) For candidates for alderman elected by ward in cities  
27 of the first class and cities of the second class, the nominating petitions  
28 shall be signed only by qualified electors of the ward in the following  
29 manner:  
30

31 "PETITION OF NOMINATION  
32

33 We, the undersigned qualified electors of Ward \_\_\_\_\_ of the city of  
34 \_\_\_\_\_, Arkansas, being in number not less than ten (10) for incorporated  
35 towns and cities of the second (2nd) class, and not less than thirty (30) for  
36 cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_

1 be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, position  
2 \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_.

3

4

5 Printed Signature Street Address Date of Date of

6

7

8 Name Birth Signing

9

10

11

12 .....

13

14 (C) For at-large candidates for alderman of a ward in  
15 cities of the first class and cities of the second class, the nominating  
16 petitions shall be signed by any qualified elector of the city in the  
17 following manner:

18

19 "PETITION OF NOMINATION

20

21 We, the undersigned qualified electors of the city of \_\_\_\_\_, Arkansas,  
22 being in number not less than ten (10) for incorporated towns and cities of  
23 the second (2nd) class, and not less than thirty (30) for cities of the first  
24 (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the  
25 ballot for the office of Alderman, Ward \_\_\_\_\_, position \_\_\_\_\_, of the  
26 next election of municipal officials in 20 \_\_\_\_\_.

27

28

29 Printed Signature Street Address Date of Date of

30

31

32 Name Birth Signing

33

34

35

36 .....

1  
2           (2) The county clerk shall determine whether the petition  
3 contains a sufficient number of qualified electors.

4           (3) Independent candidates for municipal office shall file a  
5 political practices pledge ~~no later than sixty (60) days prior to the date of~~  
6 ~~the general election by 12:00 noon~~ at the time of filing their petitions.

7           (c)(1)(A) If no candidate receives a majority of the votes cast in the  
8 general election, the two (2) candidates receiving the highest number of  
9 votes cast for the office to be filled shall be the nominees for the  
10 respective offices, to be voted upon in a runoff election pursuant to § 7-5-  
11 106.

12           (B) In any case, except for the office of mayor, in which  
13 only one (1) candidate has filed and qualified for the office, the candidate  
14 shall be declared elected and the name of the person shall be certified as  
15 elected without the necessity of putting the person's name on the general  
16 election ballot for the office.

17           (2) If the office of mayor is unopposed, then the candidate for  
18 mayor shall be printed on the general election ballot and the votes for mayor  
19 shall be tabulated as in all contested races.

20           ~~(d) Special elections for mayors in cities of the first class and~~  
21 ~~other special elections of officials required by law in cities and towns~~  
22 ~~shall use the procedure in this section.~~

23           ~~(e)~~(d)(1)(A) The governing body of any city of the first class, city  
24 of the second class, or incorporated town may enact an ordinance requiring  
25 independent candidates for municipal office to file petitions for nomination  
26 as independent candidates with the county clerk:

27                   (i) No earlier than twenty (20) days prior to the  
28 preferential primary election; and

29                   (ii) No later than noon on the day before the  
30 preferential primary election.

31           (B) The governing body may establish this filing deadline  
32 for municipal offices even if the municipal offices are all independent or  
33 otherwise nonpartisan.

34           (2)(A) The ordinance shall be enacted no later than ninety (90)  
35 days prior to the filing deadline.

36           (B) The ordinance shall be published at least one (1) time

1 a week for two (2) consecutive weeks immediately following adoption of the  
2 ordinance in a newspaper having a general circulation in the city.

3 ~~(f)(e)~~ Nothing in this section shall repeal any law pertaining to the  
4 city administrator form of government or the city manager form of government.

5 ~~(g)(f)~~ This section does not apply in any respect to the election of  
6 district judges.

7  
8 SECTION 46. Arkansas Code § 14-42-304 is amended to read as follows:  
9 14-42-304. Amendments to charter.

10 (a) Amendments to any charter may be proposed by a two-thirds (2/3)  
11 vote of the governing body of the municipality or by petition of ten percent  
12 (10%) of the qualified electors of the municipality.

13 (b)~~(1)~~ The amendment shall be submitted to the qualified electors of  
14 the municipality at a regular or special election called in accordance with §  
15 7-5-103(b).

16 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
17 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

18 ~~(B) Special elections held in months in which a~~  
19 ~~presidential preferential primary election, preferential primary election,~~  
20 ~~general primary election, or general election is scheduled to occur shall be~~  
21 ~~held on the date of the presidential preferential primary election,~~  
22 ~~preferential primary election, general primary election, or general election.~~

23 ~~(C)(i) If a special election is held on the date of the~~  
24 ~~presidential preferential primary election, preferential primary election, or~~  
25 ~~general primary election, the issue or issues to be voted upon at the special~~  
26 ~~election shall be included on the ballot of each political party.~~

27 ~~(ii) However, separate ballots containing only the~~  
28 ~~issue or issues to be voted upon at the special election shall be prepared~~  
29 ~~and made available to voters requesting a separate ballot.~~

30 ~~(D) No voter shall be required to vote in a political~~  
31 ~~party's presidential preferential primary, preferential primary, or general~~  
32 ~~primary in order to be able to vote in the special election.~~

33 ~~(E) Special elections scheduled to occur in a month in~~  
34 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
35 ~~Tuesday of the month.~~

36 (c) The proposed amendment shall be published at least one (1) time in

1 some newspaper of general circulation throughout the municipality.

2 (d) Any amendment approved by a majority of the electors voting  
3 thereon shall become a part of the charter at the time fixed in the amendment  
4 and shall be certified to the Secretary of State.

5 (e) Each amendment submitted shall be confined to one (1) subject, and  
6 when more than one (1) amendment shall be submitted at the same time, they  
7 shall be so submitted as to enable the voters to vote on each amendment  
8 separately.

9  
10 SECTION 47. Arkansas Code § 14-43-411 is amended to read as follows:  
11 14-43-411. Alderman vacancy.

12 (a)(1) Whenever a vacancy shall occur, for any reason, in the office  
13 of alderman in any city of the first class, at any regular meeting after the  
14 occurrence of the vacancy, the city council shall proceed to elect by a  
15 majority vote of the remaining members elected to the council an alderman to  
16 serve for the unexpired term. Provided, however, it is necessary that at  
17 least a quorum of the whole number of the city council shall remain in order  
18 to fill a vacancy.

19 (2) The person elected by the council shall be a resident of the  
20 ward where the vacancy occurs at the time of the vacancy.

21 (b) When a vacancy occurs in any position of alderman in a city having  
22 a population of fifty thousand (50,000) or more, according to the most recent  
23 federal decennial census, and having a mayor-council form of government in  
24 which the electors of each ward elect one (1) or more aldermen, a new  
25 alderman shall be chosen in the following manner:

26 (1)~~(A)~~ If the unexpired portion of the term of alderman exceeds  
27 one (1) year, a successor shall be elected by a vote of the electors of the  
28 ward. The city council shall order a special election to be held ~~within~~  
29 pursuant to a proclamation issued by the mayor in accordance with § 7-5-  
30 103(a) no later than ninety (90) days ~~of~~ after the date the vacancy occurs;  
31 or

32 ~~(B) The special election shall occur on the second Tuesday~~  
33 ~~of any month, except as provided in subdivisions (b)(1)(B) (F) of this~~  
34 ~~section.~~

35 ~~(C) Special elections held in months in which a~~  
36 ~~presidential preferential primary election, preferential primary election,~~

1 ~~general primary election, or general election is scheduled to occur shall be~~  
 2 ~~held on the date of the presidential preferential primary election,~~  
 3 ~~preferential primary election, general primary election, or general election.~~

4 ~~(D)(i) If a special election is held on the date of the~~  
 5 ~~presidential preferential primary election, preferential primary election, or~~  
 6 ~~general primary election, the issue or issues to be voted upon at the special~~  
 7 ~~election shall be included on the ballot of each political party.~~

8 ~~(ii) However, separate ballots containing only the~~  
 9 ~~issue or issues to be voted upon at the special election shall be prepared~~  
 10 ~~and made available to voters requesting a separate ballot.~~

11 ~~(E) No voter shall be required to vote in a political~~  
 12 ~~party's presidential preferential primary, preferential primary, or general~~  
 13 ~~primary in order to be able to vote in the special election.~~

14 ~~(F) Special elections scheduled to occur in a month in~~  
 15 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
 16 ~~Tuesday of the month; or~~

17 (2) If the unexpired portion of the term of alderman is one (1)  
 18 year or less, a successor shall be chosen by a majority vote of the members  
 19 of the council.

20  
 21 SECTION 48. Arkansas Code § 14-44-103(a), concerning the election of  
 22 aldermen, is amended to read as follows:

23 14-44-103. Election of aldermen.

24 (a)(1) Except as provided under subdivision (a)(3) of this section, on  
 25 the Tuesday following the first Monday in November 1982, and every two (2)  
 26 years thereafter, the qualified voters in cities of the second class shall  
 27 elect for each of the wards of these cities two (2) aldermen, who shall  
 28 compose the city council.

29 (2) The qualified electors of every city of the second class  
 30 shall elect from each ward of the city two (2) aldermen, who shall be  
 31 designated as alderman number one and alderman number two of the ward.

32 (3)(A) Each candidate for the office of alderman in any election  
 33 for this office shall designate in writing the number of the alderman's  
 34 office that he or she is seeking at the time that he or she files as a  
 35 candidate for the office.

36 (B) When this designation has been made, the candidate



1 shall not be permitted thereafter to change the designation.

2 (4)(A) The city council of a city of the second class may refer  
3 to voters an ordinance on the question of electing the two (2) aldermen for  
4 each ward to four-year terms.

5 (B)~~(i)~~ The voters shall vote on the ordinance at a general  
6 election or at a special election called for that purpose by proclamation of  
7 the mayor in accordance with § 7-5-103(b). However, the election to approve  
8 the four-year election procedure shall be held no later than February 1 of  
9 the year of the general election in which the procedure is proposed to be  
10 effective.

11 ~~(ii) The special election shall occur on the second~~  
12 ~~Tuesday of any month, except as provided in subdivisions (a)(4)(B)(iii)-(vi)~~  
13 ~~of this section.~~

14 ~~(iii) Special elections held in months in which a~~  
15 ~~presidential preferential primary election, preferential primary election,~~  
16 ~~general primary election, or general election is scheduled to occur shall be~~  
17 ~~held on the date of the presidential preferential primary election,~~  
18 ~~preferential primary election, general primary election, or general election.~~

19 ~~(iv) If a special election is held on the date of~~  
20 ~~the presidential preferential primary election, preferential primary~~  
21 ~~election, or general primary election, the issue or issues to be voted upon~~  
22 ~~at the special election shall be included on the ballot of each political~~  
23 ~~party. However, separate ballots containing only the issue or issues to be~~  
24 ~~voted upon at the special election shall be prepared and made available to~~  
25 ~~voters requesting a separate ballot.~~

26 ~~(v) No voter shall be required to vote in a~~  
27 ~~political party's presidential preferential primary, preferential primary, or~~  
28 ~~general primary in order to be able to vote in the special election.~~

29 ~~(vi) Special elections scheduled to occur in a month~~  
30 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
31 ~~Tuesday of the month.~~

32 (5)(A) If this procedure is adopted by ordinance referred to and  
33 approved by the voters of the city, the initial term for the alderman  
34 designated as "alderman number one" of each ward shall be a four-year term at  
35 the next general election.

36 (B) The initial term for the alderman designated as

1 "alderman number two" of each ward shall be a two-year term at the next  
2 general election, and thereafter shall be a four-year term, resulting in  
3 staggered terms for the ward.

4 (6)(A) The city council may refer to voters an ordinance on the  
5 question of returning the city to electing aldermen to two-year terms using  
6 the procedures of subdivisions (a)(4)-(7) of this section.

7 (B) If the voters approve returning a city to two-year  
8 terms, all aldermen shall be elected to two-year terms at the next general  
9 election and thereafter.

10 (7) The city council may not refer to voters another question on  
11 electing aldermen to four-year terms or on returning the city to electing  
12 aldermen to two-year terms unless at least four (4) years have passed since  
13 the last election on changing the aldermanic terms.

14  
15 SECTION 49. Arkansas Code § 14-44-106 is amended to read as follows:  
16 14-44-106. Vacancy in mayor's office.

17 ~~(a) Whenever a vacancy occurs in the office of mayor in any city of~~  
18 ~~the second class, at the first regular meeting after the occurrence of the~~  
19 ~~vacancy, the city council shall proceed to either elect by a majority vote of~~  
20 ~~the aldermen a mayor to serve the unexpired term or call for a special~~  
21 ~~election to be held in accordance with § ~~14-42-206~~ 7-5-103(a) to fill the~~  
22 ~~vacancy. At this election, a mayor shall be elected to fill out the unexpired~~  
23 ~~term.~~

24 ~~(b)(1) The special election shall occur on the second Tuesday of any~~  
25 ~~month, except as provided in subdivisions (b)(2) and (3) of this section.~~

26 ~~(2)(A) Special elections held in months in which a presidential~~  
27 ~~preferential primary election, preferential primary election, general primary~~  
28 ~~election, or general election is scheduled to occur shall be held on the date~~  
29 ~~of the presidential preferential primary election, preferential primary~~  
30 ~~election, general primary election, or general election.~~

31 ~~(B)(i) If a special election is held on the date of the~~  
32 ~~presidential preferential primary election, preferential primary election, or~~  
33 ~~general primary election, the issue or issues to be voted upon at the special~~  
34 ~~election shall be included on the ballot of each political party.~~

35 ~~(ii) However, separate ballots containing only the~~  
36 ~~issue or issues to be voted upon at the special election shall be prepared~~

1 ~~and made available to voters requesting a separate ballot.~~

2 ~~(C) No voter shall be required to vote in a political~~  
3 ~~party's presidential preferential primary, preferential primary, or general~~  
4 ~~primary in order to be able to vote in the special election.~~

5 ~~(3) Special elections scheduled to occur in a month in which the~~  
6 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
7 ~~month.~~

8  
9 SECTION 50. Arkansas Code § 14-47-106 is amended to read as follows:  
10 14-47-106. Election on city manager form of government.

11 (a) Any city in this state having a population of two thousand five  
12 hundred (2,500) or more according to the most recent federal census may call  
13 and hold an election to determine whether or not the city shall be organized  
14 under and governed by the manager form of city government as provided for in  
15 this chapter.

16 (b) The proceeding shall be in the following manner:

17 (1)(A) When petitions containing the signatures of electors  
18 equal in number to fifteen percent (15%) of the aggregate number of ballots  
19 cast for all candidates for mayor in the preceding general city election are  
20 presented to the mayor, the mayor by proclamation shall submit the question  
21 of organizing the city under the manager form of government to the electors  
22 of the city at a special election to be held ~~not less than thirty (30) days~~  
23 ~~after the date of the proclamation~~ in accordance with § 7-5-103(b).

24 (B) The proclamation shall be published at length in some  
25 newspaper published in the city for one (1) time, and notice of the election  
26 shall be published in some newspaper published in the city one (1) time a  
27 week for two (2) weeks, the first publication to be not less than fifteen  
28 (15) days before the date set for the election. No other notice of the  
29 election shall be necessary.

30 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
31 ~~any month, except as provided in subdivisions (b)(2)(B), (b)(2)(C), (b)(3),~~  
32 ~~and (b)(4) of this section.~~

33 ~~(B) Special elections held in months in which a~~  
34 ~~presidential preferential primary election, preferential primary election,~~  
35 ~~general primary election, or general election is scheduled to occur shall be~~  
36 ~~held on the date of the presidential preferential primary election,~~

~~1 preferential primary election, general primary election, or general election,  
 2 (C)(i) If a special election is held on the date of the  
 3 presidential preferential primary election, preferential primary election, or  
 4 general primary election, the issue or issues to be voted upon at the special  
 5 election shall be included on the ballot of each political party.~~

~~6 (ii) However, separate ballots containing only the  
 7 issue or issues to be voted upon at the special election shall be prepared  
 8 and made available to voters requesting a separate ballot.~~

~~9 (3) No voter shall be required to vote in a political party's  
 10 presidential preferential primary, preferential primary, or general primary  
 11 in order to be able to vote in the special election.~~

~~12 (4) Special elections scheduled to occur in a month in which the  
 13 second Tuesday is a legal holiday shall be held on the third Tuesday of the  
 14 month.~~

~~15 (5)(2)(A) At the special election for the submission or  
 16 resubmission of the proposition, the ballots shall contain substantially the  
 17 following:~~

~~18  
 19  
 20  
 21  
 22 " FOR the proposition to organize this city under Act 99 of the General  
 23 Assembly of 1921, as amended .....[ ]  
 24  
 25~~

~~26 AGAINST the proposition to organize this city under Act 99 of the General  
 27 Assembly of 1921, as amended  
 28 .....[ ]"~~

~~29 (B)(i) The election thereon shall be conducted, the vote  
 30 canvassed, and the result thereof declared in the same manner as provided by  
 31 law in respect to other city elections.~~

~~32 (ii) The county board of election commissioners  
 33 shall certify the result to the mayor. This result shall be conclusive and  
 34 not subject to attack unless suit is brought in the circuit court of the  
 35 county in which the city is situated to contest the certification within  
 36 thirty (30) days after the certification;~~

1           ~~(6)~~(3)(A) If a majority of the votes cast on the proposition is  
2 against the organization of the city under this chapter, the question of  
3 adopting the manager form of government shall not be resubmitted to the  
4 voters of that city for adoption within four (4) years thereafter. It shall  
5 be resubmitted then only upon presentation to the mayor of petitions signed  
6 by electors equal in number to fifteen percent (15%) of the aggregate number  
7 of ballots cast for all candidates for mayor at the preceding general city  
8 election.

9           (B)(i) If a majority of the votes cast on the proposition  
10 at any such election shall be for the organization of the city under this  
11 chapter, the mayor shall file certificates stating that the proposition was  
12 adopted with the Secretary of State and with the county clerk of the county  
13 in which the city is situated. The mayor shall call a special election to be  
14 held in the city for the purpose of electing seven (7) city directors.

15           (ii) This election shall be called and conducted and  
16 the results determined and certified as provided in § 14-47-110.

17  
18           SECTION 51. Arkansas Code § 14-47-107(a), concerning subsequent  
19 elections on the aldermanic form of government, is amended to read as  
20 follows:

21           (a)(1)~~(A)~~ After the expiration of six (6) years after the date on  
22 which the first board of directors takes office in a city organized under  
23 this chapter, a petition may be presented to the mayor. It shall be signed by  
24 electors equal in number to fifteen percent (15%) of the aggregate number of  
25 ballots cast for all candidates for director in that position for which the  
26 greatest number of ballots were cast in the preceding general election.  
27 Whereupon, the mayor by proclamation shall submit the question of  
28 organization of the city under the aldermanic form of government at a special  
29 election to be held ~~at a time specified in the proclamation, not less than~~  
30 ~~thirty (30) days after the date of the proclamation~~ in accordance with § 7-5-  
31 103(b).

32           ~~(B) The special election shall occur on the second Tuesday~~  
33 ~~of any month, except as provided in subdivisions (a)(1)(C) (E) of this~~  
34 ~~section.~~

35           ~~(C)(i) Special elections held in months in which a~~  
36 ~~presidential preferential primary election, preferential primary election,~~

~~1 general primary election, or general election is scheduled to occur shall be  
2 held on the date of the presidential preferential primary election,  
3 preferential primary election, general primary election, or general election.~~

~~4 (ii) If a special election is held on the date of  
5 the presidential preferential primary election, preferential primary  
6 election, or general primary election, the issue or issues to be voted upon  
7 at the special election shall be included on the ballot of each political  
8 party. However, separate ballots containing only the issue or issues to be  
9 voted upon at the special election shall be prepared and made available to  
10 voters requesting a separate ballot.~~

~~11 (D) No voter shall be required to vote in a political  
12 party's presidential preferential primary, preferential primary, or general  
13 primary in order to be able to vote in the special election.~~

~~14 (E) Special elections scheduled to occur in a month in  
15 which the second Tuesday is a legal holiday shall be held on the third  
16 Tuesday of the month.~~

(2) The proclamation shall be published at length in some  
18 newspaper published in the city for one (1) time. Notice of the election  
19 shall be published in some newspaper published in the city one (1) time a  
20 week for two (2) weeks, the first publication to be not less than fifteen  
21 (15) days before the date set for the election. No other notice of the  
22 election shall be necessary.

SECTION 52. Arkansas Code § 14-47-110 is amended to read as follows:  
14-47-110. Election of directors.

(a) Candidates for the office of director shall be nominated and  
27 elected as follows:

(1)(A)(i) A special election to elect the initial membership of  
29 the board shall be called by the mayor as provided in § 14-47-106.

(ii) The mayor's proclamation shall be published  
31 through one (1) insertion in some newspaper having a bona fide circulation in  
32 the municipality not less than sixty (60) days before the date of the  
33 election in accordance with § 7-5-103(a).

(B)(i) A special election to fill any vacancy under § 14-  
35 47-113 shall be called through a resolution of the board of directors.

(ii) A proclamation announcing the holding of the

1 election shall be signed by the mayor and published ~~not less than sixty (60)~~  
2 ~~days prior to the date of the election in some newspaper having a bona fide~~  
3 ~~circulation in the municipality in accordance with § 7-5-103(a).~~

4 ~~(C)(i) The special election shall occur on the second~~  
5 ~~Tuesday of any month, except as provided in subdivision (a)(1)(C)(ii)-(v) of~~  
6 ~~this section.~~

7 ~~(ii) Special elections held in months in which a~~  
8 ~~presidential preferential primary election, preferential primary election,~~  
9 ~~general primary election, or general election is scheduled to occur shall be~~  
10 ~~held on the date of the presidential preferential primary election,~~  
11 ~~preferential primary election, general primary election, or general election.~~

12 ~~(iii) If a special election is held on the date of~~  
13 ~~the presidential preferential primary election, preferential primary~~  
14 ~~election, or general primary election, the issue or issues to be voted upon~~  
15 ~~at the special election shall be included on the ballot of each political~~  
16 ~~party. However, separate ballots containing only the issue or issues to be~~  
17 ~~voted upon at the special election shall be prepared and made available to~~  
18 ~~voters requesting a separate ballot.~~

19 ~~(iv) No voter shall be required to vote in a~~  
20 ~~political party's presidential preferential primary, preferential primary, or~~  
21 ~~general primary in order to be able to vote in the special election.~~

22 ~~(v) Special elections scheduled to occur in a month~~  
23 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
24 ~~Tuesday of the month.~~

25 (2) The petition mentioned in subdivision (a)(3) of this section  
26 supporting the candidacy of each candidate to be voted upon at any general or  
27 special election shall be filed with the city clerk or recorder not more than  
28 ~~eighty (80)~~ ninety (90) days nor fewer than ~~sixty (60)~~ seventy (70) days  
29 before the election by twelve o'clock noon.

30 (3)(A)(i) In respect to both special and general elections, the  
31 name of each candidate shall be supported by a petition, signed by at least  
32 fifty (50) qualified electors of the municipality, requesting the candidacy  
33 of the candidate.

34 (ii) The petition shall show the residence address  
35 of each signer and shall carry an affidavit signed by one (1) or more  
36 persons, in which the affiant or affiants shall vouch for the eligibility of

1 each signer of the petition.

2 (B) Each petition shall be substantially in the following  
3 form:

4  
5 "The undersigned, duly qualified electors of the City of . . ., Arkansas,  
6 each signer hereof residing at the address set opposite his or her signature,  
7 hereby request that the name... be placed on the ballot as a candidate for  
8 election to Position No. . . . on the Board of Directors of said City of . .  
9 . at the election to be held in such City on the . . . day of . . ., 20 ...  
10 We further state that we know said person to be a qualified elector of said  
11 City and a person of good moral character and qualified in our judgment for  
12 the duties of such office."

13 (C) A petition for nomination shall not show the name of  
14 more than one (1) candidate.

15 (D)(i) The name of the candidate mentioned in each  
16 petition, together with a copy of the election proclamation if the election  
17 is a special election, shall be certified by the city clerk or recorder to  
18 the county board of election commissioners not less than thirty-five (35)  
19 days before the election unless the clerk or recorder finds that the petition  
20 fails to meet the requirements of this chapter.

21 (ii)(a) Whether the names of the candidates so  
22 certified to the county board of election commissioners are to be submitted  
23 at a biennial general election or at a special election held on a different  
24 date, the election board shall have general supervision over the holding of  
25 each municipal election.

26 (b) In this connection, the board shall post the nominations, print  
27 the ballots, establish the voting precincts, appoint the election judges and  
28 clerks, determine and certify the result of the election, and determine the  
29 election expense chargeable to the city, all in the manner prescribed by law  
30 in respect to general elections. It is the intention of this chapter that the  
31 general election machinery of this state shall be utilized in the holding of  
32 all general and special elections authorized under this chapter.

33 (c) The result of the election shall be certified by the election  
34 board to the city clerk or recorder.

35 (4) The candidate for any designated position on the board of  
36 directors who, in any general or special election, shall receive votes



1 greater in number than those cast in favor of any other candidate for the  
2 position shall be deemed to be elected.

3 (b) Each director, before entering upon the discharge of his duties,  
4 shall take the oath of office required by the Arkansas Constitution, Article  
5 19, § 20.

6  
7 SECTION 53. Arkansas Code § 14-48-104(b), concerning the submission of  
8 the governmental form question to electors, is amended to read as follows:

9 (b)~~(1)~~ If the number of signatures certified by the clerk is equal to  
10 or greater than fifteen percent (15%) of the aggregate number of votes cast,  
11 as prescribed, the Secretary of State shall call by proclamation in  
12 accordance with § 7-5-103(b) a special election to be held not ~~less than~~  
13 ~~thirty (30) days nor more than sixty (60)~~ ninety (90) days from the date of  
14 the clerk's certification.

15 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
16 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

17 ~~(B)(i) Special elections held in months in which a~~  
18 ~~presidential preferential primary election, preferential primary election,~~  
19 ~~general primary election, or general election is scheduled to occur shall be~~  
20 ~~held on the date of the presidential preferential primary election,~~  
21 ~~preferential primary election, general primary election, or general election.~~

22 ~~(ii) If a special election is held on the date of~~  
23 ~~the presidential preferential primary election, preferential primary~~  
24 ~~election, or general primary election, the issue or issues to be voted upon~~  
25 ~~at the special election shall be included on the ballot of each political~~  
26 ~~party. However, separate ballots containing only the issue or issues to be~~  
27 ~~voted upon at the special election shall be prepared and made available to~~  
28 ~~voters requesting a separate ballot.~~

29 ~~(iii) No voter shall be required to vote in a~~  
30 ~~political party's presidential preferential primary, preferential primary, or~~  
31 ~~general primary in order to be able to vote in the special election.~~

32 ~~(iv) Special elections scheduled to occur in a month~~  
33 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
34 ~~Tuesday of the month.~~

35  
36 SECTION 54. Arkansas Code § 14-48-105(b), concerning the procedure to

1 change to another form of government, is amended to read as follows:

2 (b)(1) After the expiration of four (4) years from the date on which  
3 the first board of directors and mayor take office in a city organized under  
4 this chapter, a petition signed by electors equal in number to fifteen  
5 percent (15%) of the aggregate number of ballots cast for all candidates for  
6 mayor in the preceding general election may be presented to the mayor,  
7 calling for an election to consider any other form of municipal government  
8 authorized by the laws of this state.

9 (2)(A)(i) Thereupon, the mayor by proclamation in accordance  
10 with § 7-5-103(b) shall submit the question of organization of the city under  
11 the form of government stated in the petition at a special election to be  
12 held at a time specified therein, ~~not less than thirty (30) days after the~~  
13 ~~date of the proclamation.~~

14 (ii) The proclamation shall be published one (1)  
15 time at length in some newspaper having a general circulation in the city.

16 (B)(i) Notice of the election shall be published one (1)  
17 time a week for two (2) weeks in some newspaper having a general circulation  
18 in the city, the first publication to be not less than fifteen (15) days  
19 before the date set for the election.

20 (ii) No other notice of the election shall be  
21 necessary.

22 ~~(C)(i) The special election shall occur on the second~~  
23 ~~Tuesday of any month, except as provided in subdivisions (b)(2)(C)(ii)-(v) of~~  
24 ~~this section.~~

25 ~~(ii) Special elections held in months in which a~~  
26 ~~presidential preferential primary election, preferential primary election,~~  
27 ~~general primary election, or general election is scheduled to occur shall be~~  
28 ~~held on the date of the presidential preferential primary election,~~  
29 ~~preferential primary election, general primary election, or general election.~~

30 ~~(iii) If a special election is held on the date of~~  
31 ~~the presidential preferential primary election, preferential primary~~  
32 ~~election, or general primary election, the issue or issues to be voted upon~~  
33 ~~at the special election shall be included on the ballot of each political~~  
34 ~~party. However, separate ballots containing only the issue or issues to be~~  
35 ~~voted upon at the special election shall be prepared and made available to~~  
36 ~~voters requesting a separate ballot.~~

1 ~~(iv) No voter shall be required to vote in a~~  
2 ~~political party's presidential preferential primary, preferential primary, or~~  
3 ~~general primary in order to be able to vote in the special election.~~

4 ~~(v) Special elections scheduled to occur in a month~~  
5 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
6 ~~Tuesday of the month.~~

7  
8 SECTION 55. Arkansas Code § 14-48-108 is amended to read as follows:  
9 14-48-108. Calling of elections for directors and mayor.

10 (a)(1) Within ten (10) days after the designation of the four (4)  
11 wards, the Secretary of State by proclamation in accordance with § 7-5-103(a)  
12 shall call special primary and general elections to be held in the  
13 municipality for the purpose of electing seven (7) directors and a mayor.

14 (2)(A)~~(i)~~ The primary election shall be held ~~not less than~~  
15 ~~thirty (30) days nor more than seventy five (75) days from the date of the~~  
16 ~~proclamation in accordance with § 7-5-103(a) .~~

17 ~~(ii) The primary election shall occur on the second~~  
18 ~~Tuesday of any month, except as provided in subdivision (a)(2)(A)(iii)-(vi)~~  
19 ~~of this section.~~

20 ~~(iii) Primary elections held in months in which a~~  
21 ~~presidential preferential primary election, preferential primary election,~~  
22 ~~general primary election, or general election is scheduled to occur shall be~~  
23 ~~held on the date of the presidential preferential primary election,~~  
24 ~~preferential primary election, general primary election, or general election.~~

25 ~~(iv) If a primary election is held on the date of~~  
26 ~~the presidential preferential primary election, preferential primary~~  
27 ~~election, or general primary election, the issue or issues to be voted upon~~  
28 ~~at the special election shall be included on the ballot of each political~~  
29 ~~party. However, separate ballots containing only the issue or issues to be~~  
30 ~~voted upon at the primary election shall be prepared and made available to~~  
31 ~~voters requesting a separate ballot.~~

32 ~~(v) No voter shall be required to vote in a~~  
33 ~~political party's presidential preferential primary, preferential primary, or~~  
34 ~~general primary in order to be able to vote in the primary election.~~

35 ~~(vi) Primary elections scheduled to occur in a month~~  
36 ~~in which the second Tuesday is a legal holiday shall be held on the third~~

1 ~~Tuesday of the month.~~

2 (B) The special general election shall be held ~~on a~~  
3 ~~Tuesday not less than seven (7) days nor more than fifteen (15) days after~~  
4 ~~the primary election in accordance with § 7-5-103(a) .~~

5 (b) These elections shall be called and conducted, and the results  
6 shall be determined and certified, as provided in § 14-48-109.

7  
8 SECTION 56. Arkansas Code § 14-48-109 is amended to read as follows:  
9 14-48-109. Election of directors and mayor - Oath.

10 (a) Candidates for the office of director and mayor shall be nominated  
11 and elected as follows:

12 (1)(A)(i) A special election for the election of the initial  
13 membership of the board of directors and mayor shall be called by the  
14 Secretary of State as provided in § 14-48-108.

15 (ii) The proclamation shall be published ~~through one~~  
16 ~~(1) insertion in some newspaper having a bona fide circulation in the~~  
17 ~~municipality. The publication shall be not less than sixty (60) days before~~  
18 ~~the date of the primary election in accordance with § 7-5-103(a).~~

19 (iii) For the initial election of directors and  
20 mayor, any person desiring to become a candidate shall file within twenty  
21 (20) days following the date of the proclamation by the Secretary of State  
22 with the city clerk or recorder a statement of candidacy in the form and with  
23 the supporting signatures as provided in this section. In all other respects,  
24 the initial elections shall be governed by the provisions of this chapter for  
25 holding municipal elections.

26 (B)(i) Special elections to fill any vacancy under § 14-  
27 48-115 shall be called through a resolution of the board.

28 (ii) A proclamation of the election shall be signed  
29 by the mayor and published ~~not less than sixty (60) days prior to the date of~~  
30 ~~the election in accordance with § 7-5-103(a) in some newspaper having a bona~~  
31 ~~fide circulation in the municipality;~~

32 (2)(A) Candidates to be voted on at all elections to be held  
33 under the provisions of this chapter shall be nominated by primary election,  
34 and no names shall be placed upon the general election ballot except those  
35 selected in the manner prescribed in this chapter.

36 (B)(i) The primary elections, other than the initial

1 primary, for those nominations for offices to be filled at the municipal  
2 general election shall be held on the second Tuesday of August preceding the  
3 municipal general election.

4 (ii)(a) The elections shall be under the supervision  
5 of the county board of election commissioners, and the election judges and  
6 clerks appointed for the general election shall be the judges and clerks of  
7 the primary elections.

8 (b) Primary elections shall be held in the same places as are  
9 designated for the general election, so far as possible, and shall, so far as  
10 practicable, be conducted in the same manner as other elections under the  
11 laws of this state;

12 (3) Any person desiring to become a candidate for mayor or  
13 director shall file with the city clerk not less than ~~forty (40) days nor~~  
14 ~~more than sixty (60)~~ seventy (70) days nor more than ninety (90) days prior  
15 to the primary election by twelve o'clock noon a statement of his or her  
16 candidacy in substantially the following form:

17  
18 "STATE OF ARKANSAS

19  
20 COUNTY OF. . . . .

21  
22 I, . . . . ., being first duly sworn, state  
23 that I reside at. . . . . Street, City of. . . . .  
24 . . . . ., County and State  
25 aforesaid; that I am a qualified elector of said city and the ward in which I  
26 reside; that I am a candidate for nomination to the office of  
27 . . . . ., to be voted upon at

28  
29 (Mayor) (Director)

30  
31 the primary election to be held on the. . . . . day of . . . . ., 20. .  
32 . . . . ., and I hereby request that my name be placed upon the official primary  
33 election ballot for nomination by such primary election for such office and I  
34 herewith deposit the sum of ten dollars (\$10.00), the fee prescribed by  
35 law.";

36 (4) The statement of candidacy and the petition for nomination

1 supporting the candidacy of each candidate to be voted upon at any general or  
2 special election shall be filed with the city clerk or recorder not less than  
3 ~~forty (40) days nor more than sixty (60)~~ seventy (70) days nor more than  
4 ninety (90) days before the election by twelve o'clock noon;

5 (5) The name of each candidate shall be supported by a petition  
6 for nomination signed by at least fifty (50) qualified electors of the  
7 municipality requesting the candidacy of the candidate. The petition shall  
8 show the residence address of each signer and carry an affidavit signed by  
9 one (1) or more persons in which the affiant or affiants shall vouch for the  
10 eligibility of each signer of the petition. Each petition shall be  
11 substantially in the following form:

12  
13 "The undersigned, duly qualified electors of the City of. . . . .  
14 . . . . ., Arkansas, each signer hereof residing at the address  
15 set opposite his or her signature, hereby requests that the name of. . . . .  
16 . . . . . be placed on the ballot as a candidate for  
17 election to Position No. . . . . on the Board of Directors (or Mayor) of  
18 said City of. . . . . at the election to be held in such city  
19 on the. . . . . day of. . . . .  
20 20. . . . We further state that we know said person to be a qualified  
21 elector of said city and a person of good moral character and qualified in  
22 our judgment for the duties of such office;

23 (6)(A) A petition for nomination shall not show the name of more  
24 than one (1) candidate.

25 (B) The name of the candidate mentioned in each petition,  
26 together with a copy of the election proclamation if the election is a  
27 special election, shall be certified by the city clerk or recorder to the  
28 county board of election commissioners not less than ~~thirty-five (35)~~ seventy  
29 (70) days before the election unless the clerk or recorder finds that the  
30 petition fails to meet with the requirements of this chapter.

31 (C)(i) Whether the names of the candidates so certified to  
32 the county board of election commissioners are to be submitted at a biennial  
33 general election or at a special election held on a different date, the  
34 county board of election commissioners shall have general supervision over  
35 the holding of each municipal election.

36 (ii)(a) In this connection, the election board shall

1 post the nominations, print the ballots, establish the voting precincts,  
2 appoint the election judges and clerks, determine and certify the results of  
3 the election, and determine the election expense chargeable to the city, all  
4 in the manner prescribed by law in respect to general elections; it is the  
5 intention of this chapter that the general election machinery of this state  
6 shall be utilized in the holding of all general and special elections  
7 authorized under this chapter.

8 (b) The result of the election shall be certified by the election  
9 board to the city clerk or recorder;

10 (7) The names of all candidates at the election shall be printed  
11 upon the ballot in an order determined by draw. If more than two (2)  
12 candidates qualify for an office, the names of all candidates shall appear on  
13 the ballot at the primary election;

14 (8)(A) If no candidate receives a majority of the votes cast in  
15 the primary, the two (2) candidates receiving the highest number of votes for  
16 mayor and for each director position to be filled shall be the nominees for  
17 those respective offices to be voted upon in the general election.

18 (B) If no more than two (2) persons qualify as candidates  
19 for the office of mayor or for any director position to be filled, no  
20 municipal primary election shall be held for these positions, and the names  
21 of the two (2) qualifying candidates for each office or position shall be  
22 placed upon the ballot at the municipal general election as the nominees for  
23 the respective positions. Primary elections shall be omitted in wards in  
24 which no primary contest is required.

25 (C) In any case in which only one (1) candidate shall have  
26 filed and qualified for the office of mayor or any director position, or if a  
27 candidate receives a clear majority of the votes cast in a primary election,  
28 that candidate shall be declared elected. The name of the person shall be  
29 certified as elected without the necessity of putting the person's name on  
30 the general municipal election ballot for the office;

31 (9) Any candidate defeated at any municipal primary election or  
32 municipal general election may contest it in the manner provided by law for  
33 contesting other elections.

34 (b) Each member of the board of directors, before entering upon the  
35 discharge of his duties, shall take the oath of office required by Arkansas  
36 Constitution, Article 19, Section 20.

1  
2 SECTION 57. Arkansas Code § 14-48-114 is amended to read as follows:  
3 14-48-114. Removal of mayor or directors.

4 (a) Any person holding the office of mayor and any person holding the  
5 office of member of the board of directors of any city organized under the  
6 provisions of this chapter shall be subject to removal from the office by the  
7 electors qualified to vote for a successor of the incumbent.

8 (b) The procedure to effect the removal of a person holding the office  
9 shall be as follows:

10 (1) When petitions requesting the removal of any such officer,  
11 signed by qualified electors equal in number to thirty-five percent (35%) of  
12 the total number of votes cast for all candidates for that office at the  
13 preceding general municipal election at which the office was on the ballot,  
14 are filed with the city clerk, the clerk shall determine the sufficiency of  
15 the petitions within ten (10) days from the date of the filing.

16 (2) If the petitions are deemed sufficient, the clerk shall  
17 certify them to the county board of election commissioners.

18 (3)(A)(i) The county board of election commissioners shall ~~call~~  
19 issue a proclamation in accordance with § 7-5-103(b) calling a special  
20 election on the question and shall fix a date for holding it not less than  
21 ~~thirty (30) days nor more than sixty (60)~~ ninety (90) days from the date of  
22 the certification of the petitions by the clerk.

23 ~~(ii) The special election shall occur on the second~~  
24 ~~Tuesday of any month, except as provided in subdivision (b)(3)(B) (E) of this~~  
25 ~~section.~~

26 ~~(B) Special elections held in months in which a~~  
27 ~~presidential preferential primary election, preferential primary election,~~  
28 ~~general primary election, or general election is scheduled to occur shall be~~  
29 ~~held on the date of the presidential preferential primary election,~~  
30 ~~preferential primary election, general primary election, or general election.~~

31 ~~(C)(i) If a special election is held on the date of the~~  
32 ~~presidential preferential primary election, preferential primary election, or~~  
33 ~~general primary election, the issue or issues to be voted upon at the special~~  
34 ~~election shall be included on the ballot of each political party.~~

35 ~~(ii) However, separate ballots containing only the~~  
36 ~~issue or issues to be voted upon at the special election shall be prepared~~



1 ~~and made available to voters requesting a separate ballot.~~

2 ~~(D) No voter shall be required to vote in a political~~  
3 ~~party's presidential preferential primary, preferential primary, or general~~  
4 ~~primary in order to be able to vote in the special election.~~

5 ~~(E) Special elections scheduled to occur in a month in~~  
6 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
7 ~~Tuesday of the month.~~

8 (4) At the election, the question shall be submitted to the  
9 electors in substantially the following form:

10  
11 "FOR the removal of .....from the office of

12  
13  
14 (name of officer)

15  
16 .....[ ]

17  
18  
19 (Mayor) (Director)

20  
21  
22 AGAINST the removal of .....from the

23  
24  
25 (name of officer)

26  
27  
28  
29 office of .....[ ]"

30  
31  
32 (Mayor) (Director)

33 (5)(A) If a majority of the qualified electors voting on the  
34 question at the election shall vote for the removal of the officer, a vacancy  
35 shall exist in the office.

36 (B) If a majority of the qualified electors voting on the

1 question at the election shall vote against the removal of the officer, the  
2 officer shall continue to serve during the term for which elected.

3 (c) No recall petition shall be filed against any officer until he  
4 shall have held his office for at least six (6) months.

5  
6 SECTION 58. Arkansas Code § 14-48-115 is amended to read as follows:  
7 14-48-115. Mayor or director vacancy.

8 (a) In the case of a vacancy in the office of mayor or in the office  
9 of a member of the board of directors as a result of death, resignation, a  
10 recall election as provided for in § 14-48-114, or for any other reason, the  
11 board, by majority vote, shall appoint a person to fill the vacancy if the  
12 vacancy occurs less than six (6) months before the next general municipal  
13 election at which the remainder of the unexpired term shall be filled.

14 (b)~~(1)~~ If the vacancy occurs more than (6) months prior to the next  
15 general municipal election, a special election to fill the vacancy shall be  
16 called ~~to fill the vacancy~~ by proclamation issued in accordance with § 7-5-  
17 103(a) by:

18 (A) The mayor, if the vacancy is in a board position; or

19 (B) The highest ranking member of the board of directors,  
20 if the vacancy is in the mayor's position.

21 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
22 ~~any month, except as provided in subdivisions (b)(2)(B)-(E) of this section.~~

23 ~~(B) Special elections held in months in which a~~  
24 ~~presidential preferential primary election, preferential primary election,~~  
25 ~~general primary election, or general election is scheduled to occur shall be~~  
26 ~~held on the date of the presidential preferential primary election,~~  
27 ~~preferential primary election, general primary election, or general election.~~

28 ~~(C)(i) If a special election is held on the date of the~~  
29 ~~presidential preferential primary election, preferential primary election, or~~  
30 ~~general primary election, the issue or issues to be voted upon at the special~~  
31 ~~election shall be included on the ballot of each political party.~~

32 ~~(ii) However, separate ballots containing only the~~  
33 ~~issue or issues to be voted upon at the special election shall be prepared~~  
34 ~~and made available to voters requesting a separate ballot.~~

35 ~~(D) No voter shall be required to vote in a political~~  
36 ~~party's presidential preferential primary, preferential primary, or general~~

1 ~~primary in order to be able to vote in the special election.~~

2 ~~(E) Special elections scheduled to occur in a month in~~  
3 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
4 ~~Tuesday of the month.~~

5  
6 SECTION 59. Arkansas Code § 14-57-704(a), concerning special elections  
7 on the vehicle tax, is amended to read as follows:

8 (a)(1) Before the vehicle tax levied by the governing body of any city  
9 of the first class or city of the second class or incorporated town upon  
10 vehicle owners residing in the city or town may be collected, the mayor shall  
11 call a special election in accordance with § 7-5-103(b).

12 (2)(A) This election shall be held not ~~less than thirty (30)~~  
13 ~~days nor more than sixty (60)~~ ninety (90) days from the date of the ~~adoption~~  
14 ~~of the levy of the tax by the governing body of the city or town~~ publication  
15 of the proclamation, at which the qualified electors of the city or town  
16 shall vote on the question of the levy of the tax.

17 ~~(B)(i) The special election shall occur on the second~~  
18 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
19 ~~section.~~

20 ~~(ii) Special elections held in months in which a~~  
21 ~~presidential preferential primary election, preferential primary election,~~  
22 ~~general primary election, or general election is scheduled to occur shall be~~  
23 ~~held on the date of the presidential preferential primary election,~~  
24 ~~preferential primary election, general primary election, or general election.~~

25 ~~(2)(A)(i) If a special election is held on the date of the~~  
26 ~~presidential preferential primary election, preferential primary election, or~~  
27 ~~general primary election, the issue or issues to be voted upon at the special~~  
28 ~~election shall be included on the ballot of each political party.~~

29 ~~(ii) However, separate ballots containing only the~~  
30 ~~issue or issues to be voted upon at the special election shall be prepared~~  
31 ~~and made available to voters requesting a separate ballot.~~

32 ~~(B) No voter shall be required to vote in a political~~  
33 ~~party's presidential preferential primary, preferential primary, or general~~  
34 ~~primary in order to be able to vote in the special election.~~

35 ~~(b) Special elections scheduled to occur in a month in which the~~  
36 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~

1 ~~month.~~

2  
3 SECTION 60. Arkansas Code § 14-61-113 is amended to read as follows:  
4 14-61-113. Petition process for special elections.

5 Except for questions that may be referred to the voters by the board of  
6 directors, unless it is a city where a federal court has ordered the  
7 redistricting of wards under the federal Voting Rights Act, options provided  
8 by this chapter shall be voted on at special elections called as a result of  
9 a petition for the special election being filed with the city clerk and  
10 provided to the mayor. The following procedure shall be utilized for both  
11 initial elections to organize under the management form of government, for  
12 reorganization elections by a city already operating under the management  
13 form of government, and for elections to reorganize the selection of  
14 directors in cities where a federal court has ordered the redistricting of  
15 wards under the federal Voting Rights Act:

16 (1) A petition that calls for an election on one (1) particular  
17 option for selecting members of the board of directors using the form of the  
18 question outlined in § 14-61-115(b) shall be filed with the city clerk and  
19 provided to the mayor. The city clerk shall note on the petition the date and  
20 time that it was filed. If such a petition contains the signatures of  
21 electors equal in number to fifteen percent (15%) of the number of ballots  
22 cast for the mayor, or if the mayor is not directly elected, for the director  
23 position receiving the highest number of votes, in the last general election,  
24 then the mayor, by proclamation in accordance with § 7-5-103(b), shall submit  
25 the question to the electors at a special election, provided:

26 (A)(i) The city clerk shall verify the number of  
27 signatures on the petitions within ten (10) days of the date they are filed.

28 (ii) If there are insufficient signatures on the  
29 petitions, the petitioners shall not receive any extensions for the petition.

30 (iii) If, however, there are a sufficient number of  
31 signatures on the petitions but the city clerk is unable to verify the  
32 required number of signatures as those of qualified electors, then the  
33 petitioners will be given ten (10) days to provide a sufficient number of  
34 verified signatures;

35 (B) The proclamation calling the special election shall be  
36 issued within three (3) working days of the date the city clerk verifies the

1 number of signatures on the petitions;

2 (C)(i) The special election shall be held not ~~less than~~  
3 ~~thirty (30) nor~~ more than sixty (60) days after the proclamation calling the  
4 election, provided that if the county board of election commissioners  
5 certifies in writing that it cannot prepare the ballots because of other  
6 pending elections, then the election can be held not more than ~~seventy-five~~  
7 ~~(75)~~ ninety (90) days after the proclamation.

8 ~~(ii)(a) The special election shall occur on the~~  
9 ~~second Tuesday of any month, except as provided in subdivision (1)(C)(ii)(b)~~  
10 ~~of this section.~~

11 ~~(b)(1)(A) Special elections held in months in which a presidential~~  
12 ~~preferential primary election, preferential primary election, general primary~~  
13 ~~election, or general election is scheduled to occur shall be held on the date~~  
14 ~~of the presidential preferential primary election, preferential primary~~  
15 ~~election, general primary election, or general election.~~

16 ~~(B)(i)(a) If a special election is held on the date of the~~  
17 ~~presidential preferential primary election, preferential primary election, or~~  
18 ~~general primary election, the issue or issues to be voted upon at the special~~  
19 ~~election shall be included on the ballot of each political party.~~

20 ~~(b) However, separate ballots containing only the issue or issues to~~  
21 ~~be voted upon at the special election shall be prepared and made available to~~  
22 ~~voters requesting a separate ballot.~~

23 ~~(ii) No voter shall be required to vote in a~~  
24 ~~political party's presidential preferential primary, preferential primary, or~~  
25 ~~general primary in order to be able to vote in the special election.~~

26 ~~(2) Special elections scheduled to occur in a month in which the~~  
27 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
28 ~~month.~~

29 (2) Except for the provisions of subdivision (1)(A) of this  
30 section, if petitions filed with the mayor that call for an election on one  
31 (1) of the options set forth in this chapter are found to be insufficient for  
32 any reason whatsoever, then new petitions will have to be circulated and  
33 filed before the question can be considered again.

34 (3) Notwithstanding subdivision (2) of this section, if two (2)  
35 or more groups file petitions seeking a special election on one (1) of the  
36 options set forth in this chapter, and the first filed petitions are declared

1 to be insufficient, then the city clerk will determine the sufficiency of the  
2 petitions that were filed next in time. Otherwise, upon a declaration that a  
3 set of petitions is sufficient and the first in time, then all petitions  
4 filed after the first sufficient petitions and before the special election  
5 shall be deemed moot and may be destroyed.

6 (4) Once an election has been held pursuant to the provisions of  
7 any act that results in a change in the manner of selecting the governing  
8 body of a city with the manager form of government, or seeks to reorganize a  
9 manager-government city under any other form of government, then none of the  
10 options presented by this chapter, or any act concerning the organization of  
11 the government under any form of municipal government, may be submitted to  
12 the voters for a period of four (4) years from the date of the election.

13 (5) Except as provided in § 14-61-114(a), if an election held  
14 pursuant to the provisions of any act fails to result in a change in the  
15 manner of selecting the governing body of a city with the manager form of  
16 government, or fails to reorganize such a city under any other form of  
17 government, then no other petitions seeking to adopt any of the options  
18 presented by this chapter, or to reorganize the city under any form of  
19 municipal government, may be submitted to the voters for a period of two (2)  
20 years from the date of the election.

21  
22 SECTION 61. Arkansas Code § 14-61-119(g), concerning the removal of  
23 city directors, is amended to read as follows:

24 (g) If the board shall find the petition thus submitted to it contains  
25 the requisite number of electors signed thereto and is otherwise found to be  
26 sufficient, it shall order and fix a date for holding an election in  
27 accordance with § 7-5-103(b). This date shall be not ~~less than thirty (30)~~  
28 ~~days nor more than forty (40)~~ than ninety (90) days from the date of the  
29 clerk's certificate to the board that a sufficient petition is filed.

30  
31 SECTION 62. Arkansas Code § 14-72-303 is amended to read as follows:  
32 14-72-303. Submission of question to electors - Special election.

33 (a) If the county court decides that it would be advantageous to issue  
34 bonds under the authority of Arkansas Constitution, Amendment 17 [repealed],  
35 this section, and §§ 14-72-301, 14-72-302, and 14-72-304 - 14-72-307, it  
36 shall order the submission of the question to the qualified electors of the

1 county at ~~the next general election~~ a special election to be held in  
2 accordance with § 7-5-103(b).

3 ~~(b)(1) However, if no general election for county and state officers~~  
4 ~~will be held under the law within one (1) year of the making of the order,~~  
5 ~~then the county court by order entered of record may call a special election~~  
6 ~~in the county. This election shall be held not less than thirty (30) days nor~~  
7 ~~more than sixty (60) days thereafter, and the county court shall name the~~  
8 ~~date therefor.~~

9 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
10 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

11 ~~(B)(i)(a) Special elections held in months in which a~~  
12 ~~presidential preferential primary election, preferential primary election, or~~  
13 ~~general primary election is scheduled to occur shall be held on the date of~~  
14 ~~the presidential preferential primary election, preferential primary~~  
15 ~~election, or general primary election.~~

16 ~~(b)(1)(A) If a special election is held on the date of the presidential~~  
17 ~~preferential primary election, preferential primary election, or general~~  
18 ~~primary election, the issue or issues to be voted upon at the special~~  
19 ~~election shall be included on the ballot of each political party.~~

20 ~~(B) However, separate ballots containing only the issue or~~  
21 ~~issues to be voted upon at the special election shall be prepared and made~~  
22 ~~available to voters requesting a separate ballot.~~

23 ~~(2) No voter shall be required to vote in a political party's~~  
24 ~~presidential preferential primary, preferential primary, or general primary~~  
25 ~~in order to be able to vote in the special election.~~

26 ~~(ii) Special elections scheduled to occur in a month~~  
27 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
28 ~~Tuesday of the month.~~

29 ~~(e)(b)~~ In all other respects, the special election shall be held as  
30 provided by law for the conducting of general elections. It is made the duty  
31 of the sheriff of the county, by proclamation duly made and published for the  
32 time and in the manner provided by law, to give notice of the time and place  
33 of holding the election.

34  
35 SECTION 63. Arkansas Code § 14-72-606 is amended to read as follows:  
36 14-72-606. Election procedures - Contest.

1           (a)(1) Whenever a county or municipality shall determine the need to  
2 issue revenue bonds, the issuance of which under the Constitution of the  
3 State of Arkansas requires approval at an election, the legislative body  
4 thereof shall, by ordinance, submit the question of the issuance of the  
5 revenue bonds to the qualified electors of the county or municipality.

6           (2) The question of the issuance of revenue bonds may be  
7 submitted at a ~~general election or at a~~ special election called for that  
8 purpose in accordance with § 7-5-103(b), as provided in the ordinance, and  
9 held in the manner provided in this subchapter.

10           (3) When revenue bonds are to be issued for more than one (1)  
11 purpose, the principal amount of revenue bonds applicable to each purpose  
12 shall be stated on the ballot as a separate question, and no revenue bonds  
13 shall be issued for such a purpose unless a majority of the electors voting  
14 on the question shall have approved the issuance of revenue bonds for that  
15 purpose.

16           (4) Except as otherwise provided in this subchapter, the  
17 election shall be held and conducted in the same manner as a special or  
18 general election under the election laws of the state.

19           (b)(1) The ordinance shall set forth the form of ballot questions,  
20 which shall include a statement of the purposes for which the revenue bonds  
21 are to be issued and the proposed sources of repayment of the revenue bonds.

22           ~~(2)(A)~~ Notice of the election shall be given by the clerk of the  
23 county or municipality by one (1) publication in a newspaper having general  
24 circulation within the county or municipality not less than ten (10) days  
25 prior to the election.

26           ~~(B) No other publication or posting of a notice by any~~  
27 ~~other public official shall be required.~~

28           ~~(3)(A) The election shall be held no earlier than thirty (30)~~  
29 ~~days after the date of adoption of the ordinance in which the election is~~  
30 ~~called by the legislative body.~~

31           ~~(B)(i) The election shall occur on the second Tuesday of~~  
32 ~~any month, except as provided in subdivision (b)(3)(B)(ii) of this section.~~

33           ~~(ii) Elections held in months in which a~~  
34 ~~presidential preferential primary election, preferential primary election,~~  
35 ~~general primary election, or general election is scheduled to occur shall be~~  
36 ~~held on the date of the presidential preferential primary election,~~



~~1 preferential primary election, general primary election, or general election,  
2 (2)(A)(i) If an election is held on the date of the presidential  
3 preferential primary election, preferential primary election, general primary  
4 election, or primary election, the issue or issues to be voted upon at the  
5 election shall be included on the ballot of each political party.~~

~~6 (ii) However, separate ballots containing only the  
7 issue or issues to be voted upon at the election shall be prepared and made  
8 available to voters requesting a separate ballot.~~

~~9 (B) No voter shall be required to vote in a political  
10 party's presidential preferential primary, preferential primary, or general  
11 primary in order to be able to vote in the election.~~

~~12 (b) Elections scheduled to occur in a month in which the second  
13 Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

(c)(1) The county judge or mayor of the county or municipality shall  
15 proclaim the results of the election by issuing a proclamation and publishing  
16 the proclamation one (1) time in a newspaper having general circulation  
17 within the county or municipality.

(2)(A) The results of the election as stated in the proclamation  
19 shall be conclusive unless suit is filed in the circuit court in the county  
20 in which the municipality is located within thirty (30) days after the date  
21 of the publication.

(B) No other action shall be maintained to challenge the  
23 validity of the revenue bonds and of the proceedings authorizing the issuance  
24 of the bonds unless suit is filed in the circuit court within thirty (30)  
25 days after the date of the adoption of an ordinance authorizing the sale of  
26 the revenue bonds.

27  
28 SECTION 64. Arkansas Code § 14-120-209 is amended to read as follows:  
29 14-120-209. Date of election.

~~30 (a) The election shall be held on a date to be fixed by the directors  
31 of the drainage and levee improvement district at a regular or special  
32 meeting called for that purpose in accordance with § 7-5-103(b). However, the  
33 date of the election shall be not less than sixty (60) days nor more than one  
34 hundred eighty (180) days next succeeding the date of the first publication  
35 of the notice of the filing of the outline of the project with the district  
36 as provided in § 14-120-206(c).~~

1 ~~(b)(1) The special election shall occur on the second Tuesday of any~~  
2 ~~month, except as provided in subdivision (b)(2) of this section.~~

3 ~~(2)(A)(i) Special elections held in months in which a~~  
4 ~~presidential preferential primary election, preferential primary election,~~  
5 ~~general primary election, or general election is scheduled to occur shall be~~  
6 ~~held on the date of the presidential preferential primary election,~~  
7 ~~preferential primary election, general primary election, or general election.~~

8 ~~(ii) If a special election is held on the date of~~  
9 ~~the presidential preferential primary election, preferential primary~~  
10 ~~election, or general primary election, the issue or issues to be voted upon~~  
11 ~~at the special election shall be included on the ballot of each political~~  
12 ~~party.~~

13 ~~(2) However, separate ballots containing only the issue or~~  
14 ~~issues to be voted upon at the special election shall be prepared and made~~  
15 ~~available to voters requesting a separate ballot.~~

16 ~~(b) No voter shall be required to vote in a political party's~~  
17 ~~presidential preferential primary, preferential primary, or general primary~~  
18 ~~in order to be able to vote in the special election.~~

19 ~~(B) Special elections scheduled to occur in a month in~~  
20 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
21 ~~Tuesday of the month.~~

22  
23 SECTION 65. Arkansas Code § 14-122-104 is amended to read as follows:  
24 14-122-104. Filing referendum petitions - Special election.

25 ~~(a) If petitions signed by not less than fifteen percent (15%) of the~~  
26 ~~qualified electors voting on the office of mayor in the city at the last~~  
27 ~~preceding general election are filed with the city clerk of the city within~~  
28 ~~forty-five (45) days after the enactment of the ordinance creating the~~  
29 ~~municipal drainage improvement district requesting that the ordinance be~~  
30 ~~referred to a vote of the qualified electors of the district, the petitions~~  
31 ~~shall be referred to the people at a special election to be called by the~~  
32 ~~mayor of the municipality in accordance with § 7-5-103(b) to be held not less~~  
33 ~~than thirty (30) days nor more than sixty (60) ninety (90) days after the~~  
34 ~~filing of the petitions proclamation.~~

35 ~~(b)(1) The special election shall occur on the second Tuesday of any~~  
36 ~~month, except as provided in subdivision (b)(2) of this section.~~

1 ~~(2)(A)(i) Special elections held in months in which a~~  
2 ~~presidential preferential primary election, preferential primary election,~~  
3 ~~general primary election, or general election is scheduled to occur shall be~~  
4 ~~held on the date of the presidential preferential primary election,~~  
5 ~~preferential primary election, general primary election, or general election.~~

6 ~~(ii) If a special election is held on the date of~~  
7 ~~the presidential preferential primary election, preferential primary~~  
8 ~~election, or general election, the issue or issues to be voted upon at the~~  
9 ~~special election shall be included on the ballot of each political party.~~

10 ~~(2) However, separate ballots containing only the issue or~~  
11 ~~issues to be voted upon at the special election shall be prepared and made~~  
12 ~~available to voters requesting a separate ballot.~~

13 ~~(b) No voter shall be required to vote in a political party's~~  
14 ~~presidential preferential primary, preferential primary, or general primary~~  
15 ~~in order to be able to vote in the special election.~~

16 ~~(B) Special elections scheduled to occur in a month in~~  
17 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
18 ~~Tuesday of the month.~~

19  
20 SECTION 66. Arkansas Code § 14-142-208 is amended to read as follows:

21 14-142-208. Bonds generally - Election to authorize issuance.

22 (a) The question of the issuance of such bonds shall be submitted to  
23 the electors of the municipality or county at the general election, or at a  
24 special election called for that purpose in accordance with § 7-5-103(b), as  
25 provided in the ordinance or order and held in the manner provided in this  
26 subchapter; provided, however, that no voter residing within a municipality  
27 levying a maintenance tax for libraries or levying a tax pledged for the  
28 purpose of retiring library bonds issued by the municipality or pledged to  
29 pay for capital improvements to or construction of a public library pursuant  
30 to Arkansas Constitution, Amendment 30 and Amendment 72, shall be entitled to  
31 vote on the question of the issuance of bonds by the county within which the  
32 municipality is located as authorized pursuant to Arkansas Constitution,  
33 Amendment 38 and Amendment 72, and this section.

34 (b)(1) Except as otherwise provided in this subchapter, the election  
35 shall be held and conducted in the same manner as a special or general  
36 election under the election laws of the state.

1           (2) The ordinance or order shall set forth the form of the  
2 ballot question or questions in the form prescribed by Arkansas Constitution,  
3 Amendment 30 or Amendment 38, as amended by Arkansas Constitution, Amendment  
4 72.

5           (3) Notice of the election shall be given by the clerk of the  
6 issuer by one (1) publication in a newspaper having general circulation  
7 within the municipality or county not less than ten (10) days prior to the  
8 election. No other publication or posting of a notice by any other public  
9 official shall be required.

10           ~~(4)(A)(i) The election shall be held no earlier than thirty (30)~~  
11 ~~days after the date of adoption of the ordinance or entry of the order in~~  
12 ~~which the election is called.~~

13           ~~(ii) The election shall occur on the second Tuesday~~  
14 ~~of any month, except as provided in subdivision (b)(4)(B) of this section.~~

15           ~~(B)(i) Elections held in months in which a presidential~~  
16 ~~preferential primary election, preferential primary election, general primary~~  
17 ~~election, or general election is scheduled to occur shall be held on the date~~  
18 ~~of the presidential preferential primary election, preferential primary~~  
19 ~~election, general primary election, or general election.~~

20           ~~(ii) If an election is held on the date of the~~  
21 ~~presidential preferential primary election, preferential primary election, or~~  
22 ~~general primary election, the issue or issues to be voted upon at the~~  
23 ~~election shall be included on the ballot of each political party.~~

24           ~~(2) However, separate ballots containing only the issue or~~  
25 ~~issues to be voted upon at the election shall be prepared and made available~~  
26 ~~to voters requesting a separate ballot.~~

27           ~~(b) No voter shall be required to vote in a political party's~~  
28 ~~presidential preferential primary, preferential primary, or general primary~~  
29 ~~in order to be able to vote in the election.~~

30           ~~(iii) Elections scheduled to occur in a month in~~  
31 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
32 ~~Tuesday of the month.~~

33           (c) The chief executive officer of the municipality or county shall  
34 proclaim the results of the election by issuing a proclamation and publishing  
35 it one (1) time in a newspaper having general circulation within the  
36 municipality or county.

1           (d)(1) The results of the election as stated in the proclamation shall  
2 be conclusive unless suit is filed in the circuit court in the county in  
3 which the issuer is located within thirty (30) days after the date of the  
4 publication.

5           (2) No other action shall be maintained to challenge the  
6 validity of the bonds and of the proceedings authorizing the issuance of the  
7 bonds unless suit is filed in such circuit court within thirty (30) days  
8 after the date of adoption of an ordinance or entry of the order authorizing  
9 the sale of the bonds.

10  
11           SECTION 67. Arkansas Code § 14-163-207(d), concerning the levy of  
12 special taxes, is amended to read as follows:

13           (d)(1) At the time, date, and place specified in the notice, the  
14 governing body of the city shall hold the hearing and shall determine and  
15 make a finding as to whether or not the petition is signed by at least ten  
16 percent (10%) of the owners of real property in the city.

17           (2)(A) If the governing body finds that the petition is signed  
18 by the requisite owners of real property, it shall adopt an ordinance setting  
19 forth its finding and calling a special election to be held in the city ~~on~~  
20 ~~the date specified in the ordinance, which shall not occur earlier than~~  
21 ~~thirty (30) days after the passage of the ordinance~~ in accordance with § 7-5-  
22 103(b).

23                           (B) The ordinance shall be published one (1) time.

24           ~~(3) The special election shall occur on the second Tuesday of~~  
25 ~~any month, except as provided in subdivision (d)(4)(B) of this section.~~

26           ~~(4)(A)(i) Special elections held in months in which a~~  
27 ~~presidential preferential primary election, preferential primary election,~~  
28 ~~general primary election, or general election is scheduled to occur shall be~~  
29 ~~held on the date of the presidential preferential primary election,~~  
30 ~~preferential primary election, general primary election, or general election.~~

31                           ~~(ii)(a) If a special election is held on the date of~~  
32 ~~the presidential preferential primary election, preferential primary~~  
33 ~~election, or general primary election, the issue or issues to be voted upon~~  
34 ~~at the special election shall be included on the ballot of each political~~  
35 ~~party.~~

36           ~~(b) However, separate ballots containing only the issue or issues to~~

1 ~~be voted upon at the special election shall be prepared and made available to~~  
2 ~~voters requesting a separate ballot.~~

3 ~~(iii) No voter shall be required to vote in a~~  
4 ~~political party's presidential preferential primary, preferential primary, or~~  
5 ~~general primary in order to be able to vote in the special election.~~

6 ~~(B) Special elections scheduled to occur in a month in~~  
7 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
8 ~~Tuesday of the month.~~

9 (C) The finding that the petition is sufficient shall be  
10 conclusive unless attacked in the courts within thirty (30) days after the  
11 date of publication of the ordinance.

12 (D)(i) The ordinance shall contain at least the  
13 information set forth in this section as required information to be included  
14 in the petition.

15 (ii) In addition, the ordinance shall specify the  
16 form of the ballot to be submitted to the electors.

17  
18 SECTION 68. Arkansas Code § 14-164-309 is amended to read as follows:  
19 14-164-309. Bonds generally - Election to authorize issuance.

20 (a) The question of the issuance of such bonds shall be submitted to  
21 the electors of the county or municipality at the general election or at a  
22 special election called for that purpose in accordance with § 7-5-103(b), as  
23 provided in the ordinance and held in the manner provided in this subchapter.

24 (b) Except as otherwise provided in this subchapter, the election  
25 shall be held and conducted in the same manner as a special or general  
26 election under the election laws of the state.

27 (c) The ordinance shall set forth the form of the ballot question or  
28 questions, which shall include a statement of the purpose or purposes for  
29 which the bonds are to be issued and the maximum rate of any ad valorem tax  
30 to be levied for payment of bonded indebtedness.

31 (d) Notice of the election shall be given by the clerk of the issuer  
32 by one (1) publication in a newspaper having general circulation within the  
33 municipality or county not less than ten (10) days prior to the election. No  
34 other publication or posting of a notice by any other public official shall  
35 be required.

36 ~~(e)(1) The election shall be held no earlier than thirty (30) days~~

1 ~~after the date of adoption of the ordinance in which the election is called~~  
2 ~~by the legislative body.~~

3 ~~(2)(A) The election shall occur on the second Tuesday of any~~  
4 ~~month, except as provided in subdivision (e)(2)(B) of this section.~~

5 ~~(B)(i) Elections held in months in which a presidential~~  
6 ~~preferential primary election, preferential primary election, general primary~~  
7 ~~election, or general election is scheduled to occur shall be held on the date~~  
8 ~~of the presidential preferential primary election, preferential primary~~  
9 ~~election, general primary election, or general election.~~

10 ~~(ii)(a) If an election is held on the date of the~~  
11 ~~presidential preferential primary election, preferential primary election, or~~  
12 ~~general primary election, the issue or issues to be voted upon at the~~  
13 ~~election shall be included on the ballot of each political party.~~

14 ~~(b) However, separate ballots containing only the issue or issues to~~  
15 ~~be voted upon at the election shall be prepared and made available to voters~~  
16 ~~requesting a separate ballot.~~

17 ~~(iii) No voter shall be required to vote in a~~  
18 ~~political party's presidential preferential primary, preferential primary, or~~  
19 ~~general primary in order to be able to vote in the election.~~

20 ~~(iv) Elections scheduled to occur in a month in~~  
21 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
22 ~~Tuesday of the month.~~

23 ~~(f)(e) The chief executive officer of the municipality or county shall~~  
24 ~~proclaim the results of the election by issuing a proclamation and publishing~~  
25 ~~it one (1) time in a newspaper having general circulation within the~~  
26 ~~municipality or county.~~

27 ~~(g)(f)(1) The results of the election as stated in the proclamation~~  
28 ~~shall be conclusive unless suit is filed in the circuit court in the county~~  
29 ~~in which the issuer is located within thirty (30) days after the date of the~~  
30 ~~publication.~~

31 (2) No other action shall be maintained to challenge the  
32 validity of the bonds and of the proceedings authorizing the issuance of the  
33 bonds unless suit is filed in such circuit court within thirty (30) days  
34 after the date of the adoption of an ordinance authorizing the sale of the  
35 bonds.

36

1 SECTION 69. Arkansas Code § 14-174-103 is amended to read as follows:  
2 14-174-103. Levy of new taxes permitted.

3 (a)(1)~~(A)~~ In addition to all other authority of local governments to  
4 levy taxes provided by law, any county, acting through its quorum court, or  
5 any municipality, acting through its governing body, may levy any tax.

6 ~~(B)(i)(2)(A)~~ However, no ordinance levying any tax  
7 authorized by this subchapter shall be valid until adopted at a special ~~or~~  
8 ~~general~~ election in accordance with § 7-5-103(b) by qualified electors of the  
9 city or in the county where the tax is to be imposed, as the case may be.

10 ~~(ii)(B)~~ An election will also be required to  
11 increase, decrease, or repeal a tax levied pursuant to this subchapter.

12 ~~(2)(A)~~ ~~A special election held under this section shall occur on~~  
13 ~~the second Tuesday of any month, except as provided in subdivision (a)(2)(B)~~  
14 ~~of this section.~~

15 ~~(B)(i)(a)~~ ~~Special elections held in months in which a~~  
16 ~~presidential preferential primary election, preferential primary election,~~  
17 ~~general primary election, or general election is scheduled to occur shall be~~  
18 ~~held on the date of the presidential preferential primary election,~~  
19 ~~preferential primary election, general primary election, or general election.~~

20 ~~(b)(1)(A)~~ ~~If a special election is held on the date of the~~  
21 ~~presidential preferential primary election, preferential primary election, or~~  
22 ~~general primary election, the issue or issues to be voted upon at the special~~  
23 ~~election shall be included on the ballot of each political party.~~

24 ~~(B)~~ ~~However, separate ballots containing only the issue or~~  
25 ~~issues to be voted upon at the special election shall be prepared and made~~  
26 ~~available to voters requesting a separate ballot.~~

27 ~~(2)~~ ~~No voter shall be required to vote in a political party's~~  
28 ~~presidential preferential primary, preferential primary, or general primary~~  
29 ~~in order to be able to vote in the special election.~~

30 ~~(ii)~~ ~~Special elections scheduled to occur in a month~~  
31 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
32 ~~Tuesday of the month.~~

33 (b) Nothing in this subchapter shall be construed to diminish the  
34 existing powers of county governments or city governments.

35 (c) Nothing in this subchapter shall terminate, repeal, or otherwise  
36 affect any other tax levied by a local government.



1           (d) The local government levying the tax shall collect and administer  
2 the tax.

3  
4           SECTION 70. Arkansas Code § 14-200-107 is amended to read as follows:  
5           14-200-107. Election to authorize purchase by municipality.

6           ~~(a) Any municipality may determine to acquire the property of a public~~  
7 ~~utility as authorized under the provisions of this act by the vote of the~~  
8 ~~municipal council or city commission, taken after a public hearing, of which~~  
9 ~~at least thirty (30) days' notice has been given, and ratified and confirmed~~  
10 ~~by a majority of the electors voting thereon at any general or special~~  
11 ~~municipal election held not less than thirty (30) days after a passage of the~~  
12 ~~vote of the municipal council or city commissioners in accordance with § 7-5-~~  
13 ~~103(b).~~

14           ~~(b)(1) A special election held under this section shall occur on the~~  
15 ~~second Tuesday of any month, except as provided in subdivision (b)(2) of this~~  
16 ~~section.~~

17           ~~(2)(A)(i) Special elections held in months in which a~~  
18 ~~presidential preferential primary election, preferential primary election,~~  
19 ~~general primary election, or general election is scheduled to occur shall be~~  
20 ~~held on the date of the presidential preferential primary election,~~  
21 ~~preferential primary election, general primary election, or general election.~~

22           ~~(ii) If a special election is held on the date of~~  
23 ~~the presidential preferential primary election, preferential primary~~  
24 ~~election, or general primary election, the issue or issues to be voted upon~~  
25 ~~at the special election shall be included on the ballot of each political~~  
26 ~~party.~~

27           ~~(2) Separate ballots containing only the issue or issues to be~~  
28 ~~voted upon at the special election shall be prepared and made available to~~  
29 ~~voters requesting a separate ballot.~~

30           ~~(b) No voter shall be required to vote in a political party's~~  
31 ~~presidential preferential primary, preferential primary, or general primary~~  
32 ~~in order to be able to vote in the special election.~~

33           ~~(B) Special elections scheduled to occur in a month in~~  
34 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
35 ~~Tuesday of the month.~~

36

1           SECTION 71. Arkansas Code § 14-201-109 is amended to read as follows:  
2           14-201-109. Abolition of commission.

3           (a)(1) When such a utility commission has been established pursuant to  
4 this subchapter by the city council or other governing body it cannot be  
5 abolished except by a majority vote of the electorate of the city at ~~either a~~  
6 special election called for the purpose ~~or at a general election.~~

7           (2) No abolishment of any such commission, whether pursuant to  
8 the provisions of this subchapter or otherwise, shall affect the rights,  
9 properties, or obligations held or incurred by the commission.

10           (b)(1) If twenty-five percent (25%) of the electors of the city  
11 petition the city council to do so, a special election shall be ordered in  
12 accordance with § 7-5-103(b) not later than fourteen (14) days from the date  
13 on which the petition was filed to be held ~~within sixty (60)~~ at least ninety  
14 (90) days after the order on the question whether the utility commission  
15 shall be abolished or continued.

16           ~~(2)(A) The special election shall occur on the second Tuesday of~~  
17 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

18           ~~(B)(i) Special elections held in months in which a~~  
19 ~~presidential preferential primary election, preferential primary election,~~  
20 ~~general primary election, or general election is scheduled to occur shall be~~  
21 ~~held on the date of the presidential preferential primary election,~~  
22 ~~preferential primary election, general primary election, or general election.~~

23           ~~(ii)(a) If a special election is held on the date of~~  
24 ~~the presidential preferential primary election, preferential primary~~  
25 ~~election, or general primary election, the issue or issues to be voted upon~~  
26 ~~at the special election shall be included on the ballot of each political~~  
27 ~~party.~~

28           ~~(b) However, separate ballots containing only the issue or issues to~~  
29 ~~be voted upon at the special election shall be prepared and made available to~~  
30 ~~voters requesting a separate ballot.~~

31           ~~(c) No voter shall be required to vote in a political party's~~  
32 ~~presidential preferential primary, preferential primary, or general primary~~  
33 ~~in order to be able to vote in the special election.~~

34           ~~(d) Special elections scheduled to occur in a month in which the~~  
35 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
36 ~~month.~~

1           ~~(3)(2)~~ A majority vote of the electorate shall determine the  
2 question.

3  
4           SECTION 72. Arkansas Code § 14-206-103 is amended to read as follows:  
5           14-206-103. Confirmation by electors.

6           ~~(a)(1)~~ Any municipality may determine to seek approval from the  
7 commission to acquire the property of a gas or electric public utility as  
8 authorized under the provisions of this chapter by the vote of the municipal  
9 council, city commission, or governing body taken after a public hearing, of  
10 which at least thirty (30) days' notice has been given by publication in  
11 newspapers having a general circulation within the municipality. This vote  
12 shall have been ratified and confirmed by a majority of the electors voting  
13 thereon at any ~~general or special election held not less than thirty (30)~~  
14 ~~days after a passage of the vote of the municipal council or city~~  
15 ~~commissioners in accordance with § 7-5-103(b).~~

16           ~~(2)(A)~~ A special election held under this section shall occur on  
17 the second Tuesday of any month, except as provided in subdivision ~~(a)(2)(B)~~  
18 of this section.

19           ~~(B)(i)(a)~~ Special elections held in months in which a  
20 presidential preferential primary election, preferential primary election,  
21 general primary election, or general election is scheduled to occur shall be  
22 held on the date of the presidential preferential primary election,  
23 preferential primary election, general primary election, or general election.

24           ~~(b)(1)(A)~~ If a special election is held on the date of the  
25 presidential preferential primary election, preferential primary election, or  
26 general primary election, the issue or issues to be voted upon at the special  
27 election shall be included on the ballot of each political party.

28           ~~(B)~~ However, separate ballots containing only the issue or  
29 issues to be voted upon at the special election shall be prepared and made  
30 available to voters requesting a separate ballot.

31           ~~(2)~~ No voter shall be required to vote in a political party's  
32 presidential preferential primary, preferential primary, or general primary  
33 in order to be able to vote in the special election.

34           ~~(ii)~~ Special elections scheduled to occur in a month  
35 in which the second Tuesday is a legal holiday shall be held on the third  
36 Tuesday of the month.

1           (b)(1) In the event the vote of the municipal council, city  
2 commission, or governing body is ratified and confirmed by a majority of the  
3 electors voting thereon, the clerk of the municipality shall notify the  
4 commission of the results of the election within ninety (90) days thereafter.

5           (2) Within one (1) year after the election, the municipality may  
6 file with the commission an application for approval of a certificate for the  
7 acquisition or purchase of the property of a gas or electric public utility  
8 as provided in this chapter.

9  
10           SECTION 73. Arkansas Code § 14-283-101 is amended to read as follows:

11           14-283-101. Petition for special election.

12           (a) When petitions are filed with the county court of any county  
13 containing the signatures of ten percent (10%) or more of the qualified  
14 electors of all or any defined part of any county, or all or any defined part  
15 of any city, as determined by the number of votes cast by the qualified  
16 electors of the county, city, or designated portion thereof, for all  
17 candidates for Governor at the last preceding general election, requesting  
18 the establishment of a mosquito abatement district in the county or a  
19 designated portion of the county or in the city or designated portion of the  
20 city and requesting that assessed benefits be made on the property located in  
21 the district to finance the operation of the district, the county court shall  
22 call a special election in accordance with § 7-5-103(b) in the county, city,  
23 or designated area of the city to determine whether a mosquito abatement  
24 district shall be established for the area.

25           (b) Petitions filed pursuant to subsection (a) of this section shall  
26 specifically define the area proposed to be included in a mosquito abatement  
27 district and shall specify the maximum assessed benefits or taxes which may  
28 be levied against property within the district for the support of the  
29 district. In no event shall the assessed benefits in any district exceed an  
30 amount equal to one percent (1%) of the assessed valuation of real property  
31 in the district.

32           (c) The quorum court of the county may on its own motion enact an  
33 ordinance directing the county court to call a special election in accordance  
34 with § 7-5-103(b) in the county, city, or designated area of the city to  
35 determine whether a mosquito abatement district shall be established for the  
36 area.

1  
2           SECTION 74. Arkansas Code § 14-283-102(a), concerning procedures for  
3 special elections on the question of the establishment and financing of  
4 mosquito abatement districts, is amended to read as follows:

5           (a)~~(1)~~ The special election called by the county court to submit the  
6 question of the establishment and financing of a mosquito abatement district  
7 to the electors of the proposed district shall be held in accordance with §  
8 7-5-103(b) within ninety (90) days after the ~~filing of the petitions~~  
9 ~~requesting proclamation calling the election.~~

10           ~~(2)(A) The special election shall occur on the second Tuesday of~~  
11 ~~any month, except as provided in subdivision (a)(2)(B) of this section.~~

12           ~~(B)(i) Special elections held in months in which a~~  
13 ~~presidential preferential primary election, preferential primary election,~~  
14 ~~general primary election, or general election is scheduled to occur shall be~~  
15 ~~held on the date of the presidential preferential primary election,~~  
16 ~~preferential primary election, general primary election, or general election.~~

17           ~~(ii)(a) If a special election is held on the date of~~  
18 ~~the presidential preferential primary election, preferential primary~~  
19 ~~election, or general primary election, the issue or issues to be voted upon~~  
20 ~~at the special election shall be included on the ballot of each political~~  
21 ~~party.~~

22           ~~(b) However, separate ballots containing only the issue or issues to~~  
23 ~~be voted upon at the special election shall be prepared and made available to~~  
24 ~~voters requesting a separate ballot.~~

25           ~~(iii) No voter shall be required to vote in a~~  
26 ~~political party's presidential preferential primary, preferential primary, or~~  
27 ~~general primary in order to be able to vote in the special election.~~

28           ~~(iv) Special elections scheduled to occur in a month~~  
29 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
30 ~~Tuesday of the month.~~

31  
32           SECTION 75. Arkansas Code § 14-284-205 is amended to read as follows:  
33           14-284-205. Establishment by election.

34           (a) When petitions are filed with the county court of any county  
35 wherein the fire protection district to be established is located in a single  
36 county, or if the fire protection district is to be located in more than one

1 (1) county and the petitions are filed with the county courts of all counties  
2 wherein the fire protection district is to be established, and the petitions  
3 contain the signatures of ten percent (10%) or more of the qualified electors  
4 within the proposed fire protection district boundaries, as determined by the  
5 number of votes cast by the qualified electors within the proposed fire  
6 protection district boundaries for all candidates for Governor at the last  
7 preceding general election, requesting the establishment of a fire protection  
8 district in the county or a designated portion thereof and requesting that  
9 assessments be made on the property or assessments be made on the landowners  
10 or assessments be made both on the property and the landowners located in the  
11 district to finance the operation of the district, the county court, or  
12 county courts if the fire protection district is located in more than one (1)  
13 county, shall call a special election in accordance with § 7-5-103(b) within  
14 the proposed fire protection district to determine whether a fire protection  
15 district shall be established for the area.

16 (b)(1) The county court or county courts, if the proposed fire  
17 protection district is located in more than one (1) county, shall call a  
18 special election in accordance with § 7-5-103(b) to submit the question of  
19 the establishment and financing of a fire protection district to the electors  
20 of a proposed district.

21 (2)~~(A)~~ The special election shall be held within ninety (90)  
22 days after the filing of the petitions requesting the election.

23 ~~(B)(i) The special election shall occur on the second~~  
24 ~~Tuesday of any month, except as provided in subdivision (b)(2)(B)(ii) of this~~  
25 ~~section.~~

26 ~~(ii) Special elections held in months in which a~~  
27 ~~presidential preferential primary election, preferential primary election,~~  
28 ~~general primary election, or general election is scheduled to occur shall be~~  
29 ~~held on the date of the presidential preferential primary election,~~  
30 ~~preferential primary election, general primary election, or general election.~~

31 ~~(2)(A)(i) If a special election is held on the date of the~~  
32 ~~presidential preferential primary election, preferential primary election, or~~  
33 ~~general primary election, the issue or issues to be voted upon at the special~~  
34 ~~election shall be included on the ballot of each political party.~~

35 ~~(ii) However, separate ballots containing only the~~  
36 ~~issue or issues to be voted upon at the special election shall be prepared~~

1 ~~and made available to voters requesting a separate ballot.~~

2 ~~(B) No voter shall be required to vote in a political~~  
3 ~~party's presidential preferential primary, preferential primary, or general~~  
4 ~~primary in order to be able to vote in the special election.~~

5 ~~(b) Special elections scheduled to occur in a month in which the~~  
6 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
7 ~~month.~~

8 (3) If the proposed fire protection district is located within  
9 more than one (1) county, the county courts shall set the date of the  
10 election on the same date and set the places of the election within the  
11 proposed fire protection district boundaries.

12 (4) At the election, the question of establishing and financing  
13 the district shall be placed on the ballot in substantially the following  
14 form:

15  
16 "FOR the establishment of a fire protection district in .....  
17 (county), ..... (designated area), and the levy of assessed  
18 benefits on real property in the district to finance the district .....[]

19  
20 AGAINST the establishment of a fire protection district in .....  
21 (county), ..... (designated area), and the levy of assessed benefits on  
22 real property in the district to finance the district .....[]"

23  
24 SECTION 76. Arkansas Code § 14-284-208(f), concerning the  
25 establishment of fire protection districts, is amended to read as follows:

26 (f)(1) If the district includes territory from more than one (1)  
27 county, the board of commissioners shall be composed of seven (7) members+.

28 (2) The members of the board of commissioners of multicounty  
29 fire protection districts formed after July 3, 1995, under this subchapter  
30 shall be residents of the fire protection district and elected at a public  
31 meeting as agreed upon by the county courts in order to establish the time of  
32 the meeting and the place of the meeting being within the district. The  
33 commissioners shall be elected by the qualified electors residing within the  
34 district.

35 (3) The members of the board of commissioners shall serve  
36 staggered terms.

1           (4) Vacancies occurring on the board due to resignation,  
2 removal, or otherwise shall be filled by the remaining board members for the  
3 unexpired term.

4           (5)(A)(i) Members of the board may be removed by a special  
5 election to be held within ninety (90) days after the presentation of a  
6 special election removal petition signed by ten percent (10%) of the assessed  
7 landowners or the assessed per-parcel owners, with the removal of the board  
8 member to be determined by the majority votes of the votes cast in person by  
9 the assessed landowners or the assessed per-parcel property owners.

10                   (ii) Each assessed landowner or assessed parcel  
11 property owner shall have one (1) vote per paid assessment.

12           (B)~~(i)~~ The election for the removal of board members shall  
13 be held at a meeting at a designated location within the fire protection  
14 district.

15                   ~~(ii)(a) The election shall occur on the second~~  
16 ~~Tuesday of any month, except as provided in subdivision (f)(5)(B)(ii)(b) of~~  
17 ~~this section.~~

18           ~~(b)(1)(A) Elections held in months in which a presidential~~  
19 ~~preferential primary election, preferential primary election, general primary~~  
20 ~~election, or general election is scheduled to occur shall be held on the date~~  
21 ~~of the presidential preferential primary election, preferential primary~~  
22 ~~election, general primary election, or general election.~~

23                   ~~(B)(i)(a) If an election is held on the date of the~~  
24 ~~presidential preferential primary election, preferential primary election, or~~  
25 ~~general primary election, the issue or issues to be voted upon at the~~  
26 ~~election shall be included on the ballot of each political party.~~

27           ~~(b) However, separate ballots containing only the issue or issues to~~  
28 ~~be voted upon at the election shall be prepared and made available to voters~~  
29 ~~requesting a separate ballot.~~

30                   ~~(ii) No voter shall be required to vote in a~~  
31 ~~political party's presidential preferential primary, preferential primary, or~~  
32 ~~general primary in order to be able to vote in the election.~~

33           ~~(2) Elections scheduled to occur in a month in which the second~~  
34 ~~Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

35  
36           SECTION 77. Arkansas Code § 14-284-224(b), concerning the annexation



1 and financing of fire protection districts, is amended to read as follows:

2 (b)(1)~~(A)~~ The special election called by the quorum court to submit  
3 the question of the annexation and financing of the fire protection district  
4 to the electors of the district and the area to be annexed shall be held  
5 within no later than ninety (90) days after the quorum court received  
6 notification from the board of commissioners proclamation of a special  
7 election in accordance with § 7-5-103(b).

8 ~~(B)(i) The special election shall occur on the second~~  
9 ~~Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this~~  
10 ~~section.~~

11 ~~(ii) Special elections held in months in which a~~  
12 ~~presidential preferential primary election, preferential primary election,~~  
13 ~~general primary election, or general election is scheduled to occur shall be~~  
14 ~~held on the date of the presidential preferential primary election,~~  
15 ~~preferential primary election, general primary election, or general election.~~

16 ~~(2)(A)(i) If a special election is held on the date of the~~  
17 ~~presidential preferential primary election, preferential primary election, or~~  
18 ~~general primary election, the issue or issues to be voted upon at the special~~  
19 ~~election shall be included on the ballot of each political party.~~

20 ~~(ii) However, separate ballots containing only the~~  
21 ~~issue or issues to be voted upon at the special election shall be prepared~~  
22 ~~and made available to voters requesting a separate ballot.~~

23 ~~(B) No voter shall be required to vote in a political~~  
24 ~~party's presidential preferential primary, preferential primary, or general~~  
25 ~~primary in order to be able to vote in the special election.~~

26 ~~(b) Special elections scheduled to occur in a month in which the~~  
27 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
28 ~~month.~~

29 (2) At the election, the question of annexing the area to the  
30 district and the financing of the district shall be placed on the ballot in  
31 substantially the following form:

32  
33 "FOR the annexation of ..... (description of area to be annexed),  
34 and the levy of assessed benefits on real property within the area to be  
35 annexed to help finance the district ..... [ ]

1        *AGAINST* the annexation of ..... (description of area to be  
2 annexed), and the levy of assessed benefits on real property within the area  
3 to be annexed to help finance the district ..... [    ]"

4        (c) If a majority of those voting at the election who reside within  
5 the area to be annexed, and if a majority of those voting at the election who  
6 reside within the existing district, vote in favor of the annexation, the  
7 area shall be deemed annexed and shall become a part of the fire protection  
8 district and governed accordingly.

9        (d)(1) As an alternative to an election on the annexation issue, if  
10 the board of commissioners of a fire protection district is in favor of the  
11 annexation, the board may refer the petitions to the county quorum court that  
12 may then accomplish the annexation by enactment of a county ordinance  
13 providing for the annexation.

14                (2)(A)(i) However, the ordinance shall not go into effect until  
15 sixty (60) days after its enactment.

16                        (ii) During that time, if petitions calling for a  
17 referendum on the ordinance are presented to the quorum court and the  
18 petitions are signed by the number prescribed in subsection (a) of this  
19 section, the quorum court shall call a special election in accordance with §  
20 7-5-103(b) on the issue of the annexation.

21                (B) The election shall be conducted as prescribed in  
22 subsection (b) of this section.

23                (C) Unless at least a majority of those voting at the  
24 election who reside within the area to be annexed and a majority of those  
25 voting at the election who reside within the existing district vote in favor  
26 of the annexation, the annexation shall not occur.

27        (3) If the petitions are filed within sixty (60) days after  
28 enacting the ordinance, the ordinance shall not go into effect until and  
29 unless the annexation is approved at the election provided for in this  
30 section.

31        (e) An attempt at annexation under this section, whether successful or  
32 not, shall in no way reduce the bonding authority of the fire protection  
33 district, nor shall the failure of the attempt at annexation have any effect  
34 on the existing fire protection district.

35        (f) No area shall be annexed under this section if it is located  
36 within the service area of another fire protection district or a nonprofit

1 fire protection corporation.

2  
3 SECTION 78. Arkansas Code § 14-286-103(a), concerning the  
4 establishment of red imported fire ant abatement districts, is amended to  
5 read as follows:

6 (a)~~(1)~~ The special election called by the county court to submit the  
7 question of the establishment and financing of a red imported fire ant  
8 abatement district to the electors of the proposed district shall be held  
9 within in accordance with § 7-5-103(b) no later than ninety (90) days after  
10 the ~~petitions requesting the election have been filed with the county court~~  
11 proclamation of the election.

12 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
13 ~~any month, except as provided in subdivision (a)(2)(B) of this section.~~

14 ~~(B)(i)(a) Special elections held in months in which a~~  
15 ~~presidential preferential primary election, preferential primary election,~~  
16 ~~general primary election, or general election is scheduled to occur shall be~~  
17 ~~held on the date of the presidential preferential primary election,~~  
18 ~~preferential primary election, general primary election, or general election.~~

19 ~~(b)(1)(A) If a special election is held on the date of presidential~~  
20 ~~preferential primary election, preferential primary election, or general~~  
21 ~~primary election, the issue or issues to be voted upon at the special~~  
22 ~~election shall be included on the ballot of each political party.~~

23 ~~(B) However, separate ballots containing only the issue or~~  
24 ~~issues to be voted upon at the special election shall be prepared and made~~  
25 ~~available to voters requesting a separate ballot.~~

26 ~~(2) No voter shall be required to vote in a political party's~~  
27 ~~presidential preferential primary, preferential primary, or general primary~~  
28 ~~in order to be able to vote in the special election.~~

29 ~~(ii) Special elections scheduled to occur in a month~~  
30 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
31 ~~Tuesday of the month.~~

32  
33 SECTION 79. Arkansas Code § 14-387-301 is amended to read as follows:

34 14-387-301. Order for election.

35 (a) Whenever twenty-five percent (25%) of the qualified electors of  
36 three (3) or more townships in any county in this state, as shown by the

1 election returns for Governor at the last general election preceding the date  
2 of the petition, shall petition the county court for the privilege of voting  
3 on the question of restraining horses, mules, asses, cattle, goats, swine,  
4 and sheep, or any two (2) or more of these animals, or the male species of  
5 them, from running at large, the court shall make an order for an election in  
6 the townships, to be held at any general or special election for state or  
7 county officers.

8 (b) If petitioners shall file with their petition proper bond to be  
9 approved by the court conditioned to pay all the cost and expense of a  
10 special election, the court may call an election in accordance with § 7-5-  
11 103(b) at any time upon the filing of the petition by giving notice of it as  
12 provided by law for general elections, if the petition contains twenty-five  
13 percent (25%) of the qualified electors residing within each township  
14 mentioned in the petition.

15 ~~(c)(1) Any special election held under this section shall occur on the~~  
16 ~~second Tuesday of any month, except as provided in subdivision (c)(2) of this~~  
17 ~~section.~~

18 ~~(2)(A)(i) Special elections held in months in which a~~  
19 ~~presidential preferential primary election, preferential primary election,~~  
20 ~~general primary election, or general election is scheduled to occur shall be~~  
21 ~~held on the date of the presidential preferential primary election,~~  
22 ~~preferential primary election, general primary election, or general election.~~

23 ~~(ii) If a special election is held on the date of~~  
24 ~~the presidential preferential primary election, preferential primary~~  
25 ~~election, or general primary election, the issue or issues to be voted upon~~  
26 ~~at the special election shall be included on the ballot of each political~~  
27 ~~party.~~

28 ~~(2) However, separate ballots containing only the issue or~~  
29 ~~issues to be voted upon at the special election shall be prepared and made~~  
30 ~~available to voters requesting a separate ballot.~~

31 ~~(b) No voter shall be required to vote in a political party's~~  
32 ~~presidential preferential primary, preferential primary, or general primary~~  
33 ~~in order to be able to vote in the special election.~~

34 ~~(B) Special elections scheduled to occur in a month in~~  
35 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
36 ~~Tuesday of the month.~~

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SECTION 80. Arkansas Code § 15-4-3020 is amended to read as follows:  
15-4-3020. Consent by qualified electors to issue bonds.

(a) No bonds shall be issued under this subchapter except by and with the consent of a majority of the qualified electors of the state voting on the question in substantially the form described in this section at ~~the general election or~~ a special election called by proclamation of the Governor.

~~(b)(1)~~ The proclamation shall be issued ~~at least sixty (60) calendar days prior to the date fixed by the proclamation for the election in~~ accordance with § 7-5-103(b), and notice of the special election shall be given by publication of the proclamation by one (1) insertion in one (1) newspaper of general circulation published in each county in the state not less than thirty (30) calendar days prior to the date of the election.

~~(2)(A) The special election shall occur on the second Tuesday of any month, except as provided in subdivision (b)(2)(B) of this section.~~

~~(B)(i)(a) Special elections held in months in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.~~

~~(b)(1)(A) If a special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party.~~

~~(B) However, separate ballots containing only the issue or issues to be voted upon at the special election shall be prepared and made available to voters requesting a separate ballot.~~

~~(2) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.~~

~~(ii) Special elections scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

(c) If there is no newspaper regularly published in a county, the proclamation may be published in any newspaper having a general circulation

1 in the county.

2 (d) In the case of the notice or proclamation for the election, it is  
3 not necessary to publish this subchapter in its entirety, but the notice or  
4 proclamation shall state that it is issued for the purpose of submitting to  
5 the people the following question:

6

7 "Shall the Arkansas Development Finance Authority be authorized to issue  
8 general obligation bonds under the authority of the Arkansas General  
9 Obligation Economic Development Superprojects Bond and Project Funding Act in  
10 total principal amount not to exceed four hundred million dollars  
11 (\$400,000,000), in series from time to time in principal amounts not to  
12 exceed, without prior approval of the General Assembly, sixty million dollars  
13 (\$60,000,000) in any fiscal biennium, for the financing and refinancing of  
14 superprojects as defined in the Arkansas General Obligation Economic  
15 Development Superprojects Bond and Project Funding Act, which bonds shall be  
16 secured by a pledge of the full faith and credit of the State of Arkansas?"

17 (e) The title of this subchapter shall be the ballot title, and there  
18 shall be printed on the ballot the proposition stated in subsection (d) of  
19 this section, and the following:

20

21 "FOR Issuance of State of Arkansas Economic Development Superprojects  
22 General Obligation Bonds \_\_\_\_\_"

23

24 "AGAINST Issuance of State of Arkansas Economic Development Superprojects  
25 General Obligation Bonds \_\_\_\_\_"

26 (f)(1) The county boards of election commissioners of the several  
27 counties of the state shall conduct the election.

28 (2) Each board shall take action with respect to the appointment  
29 of election officials and other matters as the law requires.

30 (3) The vote shall be canvassed and the result declared in each  
31 county by the several county boards.

32 (4) The results shall be certified within ten (10) calendar days  
33 after the date of the election by the county boards to the Secretary of  
34 State, who shall tabulate all returns so received and certify to the Governor  
35 the total vote for and against the proposition.

36 (5) The result of the election shall be proclaimed by the

1 Governor by publication one (1) time in a newspaper published in the City of  
2 Little Rock, and the results as proclaimed shall be conclusive unless  
3 attacked in the courts within thirty (30) calendar days after the date of the  
4 publication.

5  
6 SECTION 81. Arkansas Code § 15-43-204(a), concerning local elections  
7 to redetermine doe killing areas, is amended to read as follows:

8 (a)(1) Whenever fifty (50) or more qualified electors residing within  
9 an area wholly or partly located within their particular county, which has  
10 been designated by regulation of the Arkansas State Game and Fish Commission  
11 as a doe killing area, petition the appropriate county court, praying that an  
12 election be held to determine whether or not such an area or portion thereof  
13 should remain a doe killing area, the county court shall order a special  
14 election in accordance with § 7-5-103(b) to be held not more than ~~thirty (30)~~  
15 ninety (90) days after the date of filing of the petition.

16 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
17 ~~any month, except as provided in subdivision (a)(2)(B) of this section.~~

18 ~~(B)(i)(a) Special elections held in months in which a~~  
19 ~~presidential preferential primary election, preferential primary election,~~  
20 ~~general primary election, or general election is scheduled to occur shall be~~  
21 ~~held on the date of the presidential preferential primary election,~~  
22 ~~preferential primary election, general primary election, or general election.~~

23 ~~(b)(1)(A) If a special election is held on the date of the~~  
24 ~~presidential preferential primary election, preferential primary election, or~~  
25 ~~general primary election, the issue or issues to be voted upon at the special~~  
26 ~~election shall be included on the ballot of each political party.~~

27 ~~(B) However, separate ballots containing only the issue or~~  
28 ~~issues to be voted upon at the special election shall be prepared and made~~  
29 ~~available to voters requesting a separate ballot.~~

30 ~~(2) No voter shall be required to vote in a political party's~~  
31 ~~presidential preferential primary, preferential primary, or general primary~~  
32 ~~in order to be able to vote in the special election.~~

33 ~~(ii) Special elections scheduled to occur in a month~~  
34 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
35 ~~Tuesday of the month.~~

36 ~~(3) Notice of the election shall be given in a newspaper of~~

1 ~~general circulation within the county, not less than fifteen (15) days prior~~  
2 ~~to the election.~~

3 ~~(4)(2)~~ Only those qualified electors residing within the  
4 affected area or portion thereof, which is located within the county where  
5 the election is held, may vote in the election.

6 ~~(5)(3)~~ Except as provided in this section, the election shall be  
7 held in conformity with the general election laws of this state.

8  
9 SECTION 82. Arkansas Code § 23-110-306 is amended to read as follows:  
10 23-110-306. Subsequent referendum elections.

11 (a) After the elapse of not less than two (2) years next following the  
12 date of any election conducted pursuant to § 23-110-304, upon petitions filed  
13 with it containing the signatures of qualified electors of the county of not  
14 less than fifteen percent (15%) of the total number voting in the election  
15 for county clerk of the county at the next preceding general election,  
16 together with a sum of money estimated by the county board of election  
17 commissioners as sufficient to pay all expenses of the election, the board  
18 shall call a special election in accordance with § 7-5-103(b) on the  
19 proposition of continuing horse racing in the county.

20 ~~(b)(1)(A) The date of the special election shall be fixed by the board~~  
21 ~~on a day not less than thirty (30) days nor more than ninety (90) days~~  
22 ~~following the date of filing the petitions. The deposit of the funds and the~~  
23 ~~election shall be conducted and shall be subject to contest under the general~~  
24 ~~election laws of this state.~~

25 ~~(B)(i) The special election shall occur on the second~~  
26 ~~Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this~~  
27 ~~section.~~

28 ~~(ii) Special elections held in months in which a~~  
29 ~~presidential preferential primary election, preferential primary election,~~  
30 ~~general primary election, or general election is scheduled to occur shall be~~  
31 ~~held on the date of the presidential preferential primary election,~~  
32 ~~preferential primary election, general primary election, or general election.~~

33 ~~(2)(A)(i) If a special election is held on the date of the~~  
34 ~~presidential preferential primary election, preferential primary election, or~~  
35 ~~general primary election, the issue or issues to be voted upon at the special~~  
36 ~~election shall be included on the ballot of each political party.~~



1 ~~(ii) However, separate ballots containing only the~~  
2 ~~issue or issues to be voted upon at the special election shall be prepared~~  
3 ~~and made available to voters requesting a separate ballot.~~

4 ~~(B) No voter shall be required to vote in a political~~  
5 ~~party's presidential preferential primary, preferential primary, or general~~  
6 ~~primary in order to be able to vote in the special election.~~

7 ~~(b) Special elections scheduled to occur in a month in which the~~  
8 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
9 ~~month.~~

10 ~~(2)(1)~~ The proposition printed on the ballot shall be "FOR Horse  
11 Racing" and "AGAINST Horse Racing".

12 ~~(3)(2)~~ By published notice, the board shall proclaim the results  
13 of the election and shall also certify the results to the commission.

14 ~~(4)(3)~~ All contests in relation to the results of the election  
15 shall be commenced within twenty (20) days next following the date of  
16 publication of notice as given pursuant to this subsection.

17 (c) If a majority of the qualified electors of the county voting on  
18 the question shall disapprove the continuance of horse racing, the franchise  
19 held by the corporation shall, ipso facto, be null and void as of the final  
20 date on which a contest of the results of the election may be commenced or,  
21 in the event of contest, upon the date of final determination of the issue.

22  
23 SECTION 83. Arkansas Code § 23-111-306 is amended to read as follows:  
24 23-111-306. Subsequent referendum elections.

25 (a) After the elapse of not less than four (4) years next following  
26 the date of any election conducted pursuant to § 23-111-304, the county board  
27 of election commissioners shall call a special election in accordance with §  
28 7-5-103(b) on the proposition of continuing greyhound racing in the county.  
29 The election shall be called upon petitions filed with it containing the  
30 signatures of qualified electors of the county of not less than five percent  
31 (5%) of the total number voting in the election for county clerk of the  
32 county at the next preceding general election, together with a sum of money  
33 estimated by the board as sufficient to pay all expenses of the election.

34 (b)(1)~~(A)~~ The date of the special election shall be fixed by the board  
35 on a day not ~~less than thirty (30) days nor~~ more than ninety (90) days  
36 following the date of filing the petitions. The deposit of the funds as

1 provided in subsection (a) of this section and the election shall be  
2 conducted and shall be subject to contest under the general election laws of  
3 this state.

4 ~~(B)(i) The special election shall occur on the second~~  
5 ~~Tuesday of any month, except as provided in subdivision (b)(1)(B)(ii) of this~~  
6 ~~section.~~

7 ~~(ii) Special elections held in months in which a~~  
8 ~~presidential preferential primary election, preferential primary election,~~  
9 ~~general primary election, or general election is scheduled to occur shall be~~  
10 ~~held on the date of the presidential preferential primary election,~~  
11 ~~preferential primary election, general primary election, or general election.~~

12 ~~(2)(A)(i) If a special election is held on the date of the~~  
13 ~~presidential preferential primary election, preferential primary election, or~~  
14 ~~general primary election, the issue or issues to be voted upon at the special~~  
15 ~~election shall be included on the ballot of each political party.~~

16 ~~(ii) However, separate ballots containing only the~~  
17 ~~issue or issues to be voted upon at the special election shall be prepared~~  
18 ~~and made available to voters requesting a separate ballot.~~

19 ~~(B) No voter shall be required to vote in a political~~  
20 ~~party's presidential preferential primary, preferential primary, or general~~  
21 ~~primary in order to be able to vote in the special election.~~

22 ~~(b) Special elections scheduled to occur in a month in which the~~  
23 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
24 ~~month.~~

25 (2) The proposition printed on the ballot shall be "FOR  
26 Greyhound Racing" and "AGAINST Greyhound Racing".

27 (3) By published notice, the board shall proclaim the results of  
28 the election and shall also certify the results to the Arkansas Racing  
29 Commission.

30 (4) All contests in relation to the results of the election  
31 shall be commenced within twenty (20) days next following the date of  
32 publication of notice as provided in subsection (a) of this section.

33 (c) If a majority of the qualified electors of the county voting on  
34 the question shall disapprove the continuance of greyhound racing, the  
35 franchise held by the corporation shall, ipso facto, be null and void as of  
36 the final date on which a contest of the results of the election may be

1 commenced or, in the event of contest, upon the date of final determination  
2 of the issue.

3  
4 SECTION 84. Arkansas Code § 24-11-402 is amended to read as follows:  
5 24-11-402. Vote to effect subchapter.

6 (a) The provisions of this subchapter shall be suspended and  
7 inoperative in any city affected by the provisions of this subchapter until  
8 made available by a vote favorable thereto of the majority of qualified  
9 electors of the cities participating in any election on the question and held  
10 at the time of any election in the city, whether state, city, special, or  
11 federal, or at a special election in accordance with § 7-5-103(b) for the  
12 purpose of voting on the question.

13 (b)~~(1)~~ The election may be held in connection with the first general  
14 city election following the passage and approval of this subchapter, but the  
15 failure to submit at that city or other election shall not defeat the right  
16 of submission at any subsequent election.

17 ~~(2)(A) Any special election held under this section shall occur~~  
18 ~~on the second Tuesday of any month, except as provided in subdivision~~  
19 ~~(b)(2)(B) of this section.~~

20 ~~(B)(i)(a) Special elections held in months in which a~~  
21 ~~presidential preferential primary election, preferential primary election,~~  
22 ~~general primary election, or general election is scheduled to occur shall be~~  
23 ~~held on the date of the presidential preferential primary election,~~  
24 ~~preferential primary election, general primary election, or general election.~~

25 ~~(b)(1)(A) If a special election is held on the date of the~~  
26 ~~presidential preferential primary election, preferential primary election, or~~  
27 ~~general primary election, the issue or issues to be voted upon at the special~~  
28 ~~election shall be included on the ballot of each political party.~~

29 ~~(B) However, separate ballots containing only the issue or~~  
30 ~~issues to be voted upon at the special election shall be prepared and made~~  
31 ~~available to voters requesting a separate ballot.~~

32 ~~(2) No voter shall be required to vote in a political party's~~  
33 ~~presidential preferential primary, preferential primary, or general primary~~  
34 ~~in order to be able to vote in the special election.~~

35 ~~(ii) Special elections scheduled to occur in a month~~  
36 ~~in which the second Tuesday is a legal holiday shall be held on the third~~

1 ~~Tuesday of the month.~~

2 (c) Upon filing with the county board of election commissioners not  
3 later than ~~ten (10)~~ seventy (70) days before the date of the election the  
4 petition signed by twenty (20) or more qualified electors of the city  
5 affected and praying that the question of police officers' pensions be  
6 submitted, it shall be the duty of the county board of election commissioners  
7 to place the question upon the ballot.

8 (d) In the event that for any reason the question of policemen's  
9 pension was not voted upon in the next general city election after June 10,  
10 1937, the question may be submitted at ~~any other general or a~~ special  
11 election in accordance with § 7-5-103(b) held in the city as provided in this  
12 section.

13 (e) The question on the ballot shall be as follows:

14

15 "FOR Police Officer's Pension .....[ ]

16

17 AGAINST Police Officer's Pension .....[ ]".

18

19 SECTION 85. Arkansas Code § 24-11-404 is amended to read as follows:

20 24-11-404. Tax levy for pensions in cities of first and second class.

21 (a)(1) After being once approved by a majority of those voting on the  
22 question at any general or special election in any city of the first class or  
23 city of the second class, a tax not to exceed one (1) mill on the dollar upon  
24 the assessed value of the real and personal property of the city shall be  
25 levied annually by the city for the purpose of paying police officers'  
26 retirement salaries and pensions, as well as pensions to the surviving  
27 spouses and minor children of deceased police officers and the surviving  
28 spouses and minor children of deceased retired police officers.

29 (2) The levy shall be made by the city council or other  
30 governing body of the city on or before the time fixed by law for levying  
31 county taxes, and the city council or other governing body shall make out and  
32 certify to the county clerk the rate of taxation levied by the municipal  
33 corporation on the real and personal property within the city.

34 (3) The amount so certified shall be placed upon the tax book by  
35 the county clerk of the county and collected in the same manner that state  
36 and county taxes are collected and shall be turned over to the board of

1 trustees of the policemen's pension and relief fund of the city.

2 (b)(1) In those cities which do not have a policemen's pension and  
3 relief fund but which cover their police officers under the Arkansas Local  
4 Police and Fire Retirement System, the tax shall also be allowed when  
5 approved by a majority of qualified electors of the cities participating in  
6 any election on the question and held at ~~the time of any election in the~~  
7 ~~city, whether state, city, special, or federal, or at~~ a special election in  
8 accordance with § 7-5-103(b) for the purpose of voting on the question.

9 (2) The election may be held in connection with the first  
10 general city election following March 6, 1989, but the failure to submit at a  
11 city or other election shall not defeat the right of submission at any  
12 subsequent election.

13 (3) Upon the filing with the county board of election  
14 commissioners not later than ~~sixty (60)~~ ninety (90) days before the date of  
15 the election ~~of~~ requested in a petition signed by twenty (20) or more  
16 qualified electors of the city affected and praying that the question of a  
17 policemen's pension be submitted, it shall be the duty of the county board of  
18 election commissioners to ~~place the question upon the ballot~~ call the  
19 election in accordance with § 7-5-103(b).

20 (4) In the event that for any reason the question of the  
21 policemen's pension is not voted upon in the next general city election after  
22 March 6, 1989, the question may be submitted at ~~any other general or a~~  
23 special election held in the city as provided in this subsection.

24 (5) The question on the ballot shall be as follows:

25  
26 "FOR Police Officer's Pension .....[ ]

27  
28 AGAINST Police Officer's Pension .....[ ]".

29 (6) The tax so levied shall not exceed one (1) mill on the  
30 dollar upon the assessed value of the real and personal property of the city  
31 or town.

32 (c) Once so approved, the tax shall be levied and certified in the  
33 same manner as provided in this section and shall be collected and turned  
34 over to the city or town for the sole purpose of making payment for coverage  
35 of employees under the Arkansas Local Police and Fire Retirement System.

36 (d)~~(1)~~ A vote on the question of the tax provided for in this section

1 shall be had in the same manner that the Constitution and laws of this state  
2 provide for the initiation of measures in municipalities.

3 ~~(2)(A) Any special election held under this section shall occur~~  
4 ~~on the second Tuesday of any month, except as provided in subdivision~~  
5 ~~(d)(2)(B) of this section.~~

6 ~~(B)(i)(a) Special elections held in months in which a~~  
7 ~~presidential preferential primary election, preferential primary election,~~  
8 ~~general primary election, or general election is scheduled to occur shall be~~  
9 ~~held on the date of the presidential preferential primary election,~~  
10 ~~preferential primary election, general primary election, or general election.~~

11 ~~(b)(1)(A) If a special election is held on the date of the~~  
12 ~~presidential preferential primary election, preferential primary election, or~~  
13 ~~general primary election, the issue or issues to be voted upon at the special~~  
14 ~~election shall be included on the ballot of each political party.~~

15 ~~(B) However, separate ballots containing only the issue or~~  
16 ~~issues to be voted upon at the special election shall be prepared and made~~  
17 ~~available to voters requesting a separate ballot.~~

18 ~~(2) No voter shall be required to vote in a political party's~~  
19 ~~presidential preferential primary, preferential primary, or general primary~~  
20 ~~in order to be able to vote in the special election.~~

21 ~~(ii) Special elections scheduled to occur in a month~~  
22 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
23 ~~Tuesday of the month.~~

24 (e) The funds provided for in this section shall be supplemental and  
25 in addition to any funds provided for by any laws in effect at the time of  
26 passage of this section and shall become part of the policemen's pension and  
27 relief fund of the city and be administered by the board of trustees of the  
28 policemen's pension and relief fund for the same class of beneficiaries and  
29 in the same manner as prescribed by law.

30 (f) In those cities which do not have a policemen's pension and relief  
31 fund but which cover their police officers under the Arkansas Local Police  
32 and Fire Retirement System, the funds shall be applied to each city's account  
33 in that system, in such manner and amounts as determined by the board of  
34 trustees of that system.

35  
36 SECTION 86. Arkansas Code § 24-11-812 is amended to read as follows:

1           24-11-812. Tax levy by city council.

2           (a)(1) After being once approved by a majority of those voting on the  
3 question at any general or special election of any city of the first class or  
4 city of the second class, a tax not to exceed one (1) mill on the dollar upon  
5 the assessed value of the real and personal property in the city shall be  
6 levied annually by the city for the purpose of paying firefighters'  
7 retirement salaries and pensions and pensions to the widows and minor  
8 children of deceased firefighters and the widows and minor children of  
9 deceased retired firefighters.

10           (2) The levy shall be made by the city council or other  
11 governing body of the city on or before the time fixed by law for levying  
12 county taxes, and the city council or other governing body shall make out and  
13 certify to the county clerk the rate of taxation levied by the municipal  
14 corporation on the real and personal property within the city.

15           (3) The amount so certified shall be placed upon the tax book by  
16 the county clerk of the county and collected in the same manner that state  
17 and county taxes are collected. This amount shall be turned over to the board  
18 of trustees of the firemen's relief and pension fund of the city, as created  
19 under §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-815,  
20 and 24-11-818 - 24-11-821.

21           (b)(1) However, in those cities which do not have a firemen's pension  
22 and relief fund but which cover their firefighters under the Arkansas Local  
23 Police and Fire Retirement System, the levy shall also be allowed when  
24 approved by a majority of the qualified electors of the cities or towns  
25 participating in ~~any election on the question and held at the time of any~~  
26 ~~election in the city, whether state, city, special, or federal, or at a~~  
27 special election for the purpose of voting on the question.

28           (2) The election may be held in connection with the first  
29 general city election following the passage and approval of this subsection,  
30 but the failure to submit at the city or other election shall not defeat the  
31 right of submission at any subsequent election.

32           (3) Upon the filing with the county board of election  
33 commissioners not later than ~~sixty (60)~~ ninety (90) days before the date of  
34 the election ~~of~~ requested in a petition signed by twenty (20) or more  
35 qualified electors of the city or town affected, stating the amount of tax to  
36 be voted on, not to exceed one (1) mill on the dollar, and praying that the

1 question of a firemen's pension be submitted, it shall be the duty of the  
2 county board of election commissioners to ~~place the question upon the ballot~~  
3 call the election in accordance with § 7-5-103(b).

4 (4) In the event that for any reason the question of a firemen's  
5 pension is not voted upon in the next general city election after the passage  
6 and approval of this subsection, the question may be submitted at any other  
7 general or special election held in the city or town as provided in this  
8 subsection.

9 (5) The ballot shall state the amount of tax being voted on and  
10 the purpose thereof, and the question on the ballot shall be as follows:

11  
12 "FOR Firemen's Pension .....[ ]

13  
14 AGAINST Firemen's Pension .....[ ]".

15 (c) Once so approved, the levy shall be certified in the same manner  
16 as provided in this section and shall be collected and turned over to the  
17 city for the sole purpose of payment for coverage of employees under the  
18 Arkansas Local Police and Fire Retirement System.

19 (d)~~(1)~~ A vote on the question of the tax provided for in this section  
20 shall be had in the same manner that the Constitution and laws of this state  
21 provide for the initiation of measures in municipalities.

22 ~~(2)(A) Any special election held under this section shall occur~~  
23 ~~on the second Tuesday of any month, except as provided in subdivision~~  
24 ~~(d)(2)(B) of this section.~~

25 ~~(B)(i)(a) Special elections held in months in which a~~  
26 ~~presidential preferential primary election, preferential primary election,~~  
27 ~~general primary election, or general election is scheduled to occur shall be~~  
28 ~~held on the date of the presidential preferential primary election,~~  
29 ~~preferential primary election, general primary election, or general election.~~

30 ~~(b)(1)(A) If a special election is held on the date of the presidential~~  
31 ~~preferential primary election, preferential primary election, or general~~  
32 ~~primary election, the issue or issues to be voted upon at the special~~  
33 ~~election shall be included on the ballot of each political party.~~

34 ~~(B) However, separate ballots containing only the issue or~~  
35 ~~issues to be voted upon at the special election shall be prepared and made~~  
36 ~~available to voters requesting a separate ballot.~~



1           ~~(2) No voter shall be required to vote in a political party's~~  
2 ~~presidential preferential primary, preferential primary, or general primary~~  
3 ~~in order to be able to vote in the special election.~~

4           ~~(ii) Special elections scheduled to occur in a month~~  
5 ~~in which the second Tuesday is a legal holiday shall be held on the third~~  
6 ~~Tuesday of the month.~~

7           (e) The funds provided for in this section shall be supplemental to  
8 and in addition to any funds provided for by any laws in effect at the time  
9 of the passage of this section, shall become part of the firemen's relief and  
10 pension fund of the city, as created under §§ 24-11-801 - 24-11-807, 24-11-  
11 809, 24-11-810, 24-11-813 - 24-11-815, and 24-11-818 - 24-11-821, and shall  
12 be administered by the board of trustees created by those sections, for the  
13 same class of beneficiaries and in the same manner as the funds provided for  
14 in §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-815, and  
15 24-11-818 - 24-11-821, since it is the specific intention of this section not  
16 to repeal §§ 24-11-801 - 24-11-807, 24-11-809, 24-11-810, 24-11-813 - 24-11-  
17 815, and 24-11-818 - 24-11-821, or any amendments thereto, but rather to  
18 provide additional money for the firemen's relief and pension fund.

19           (f) In those cities which do not have a firemen's pension and relief  
20 fund but which cover their firefighters under the Arkansas Local Police and  
21 Fire Retirement System, the funds shall be applied to each city's account in  
22 that system in such manner and amounts as determined by the board of trustees  
23 of that system.

24  
25           SECTION 87. Arkansas Code § 24-12-103 is amended to read as follows:  
26           24-12-103. Vote to effect act.

27           (a) The provisions of this act shall be suspended and inoperative in  
28 any city affected by the provisions of the act until made available by a vote  
29 favorable thereto of the majority of the qualified electors of the cities  
30 participating in any election on the question ~~and held at the time of any~~  
31 ~~election in the city, whether state, city, special, or federal, or at a~~  
32 special election called for the purpose of voting on the question.

33           (b) The election may be held in connection with the first general city  
34 election following the passage and approval of this act, but the failure to  
35 submit or the failure to adopt at the city or other election shall not bar,  
36 abridge, or defeat the right of submission at any subsequent election.

1 (c) Upon the filing with the county board of election commissioners  
2 not later than ~~ten (10)~~ ninety (90) days before the date of the election ~~of~~  
3 requested in a petition signed by twenty (20) or more qualified electors of  
4 the city affected and praying that the question of paid nonuniformed  
5 employees' pensions and the levying of a tax therefor, not exceeding one and  
6 one-half (1 1/2) mills, be submitted, it shall be the duty of the county board  
7 of election commissioners to ~~place the question on the ballot~~ call the  
8 election in accordance with § 7-5-103(b).

9 (d)~~(1)~~ If for any reason the question is not voted upon at the next  
10 general city election after the passage and approval of this act, the  
11 question may be submitted at any other general or special election held in  
12 the city as provided in this section.

13 ~~(2)(A) The election shall occur on the second Tuesday of any~~  
14 ~~month, except as provided in subdivision (d)(2)(B) of this section.~~

15 ~~(B)(i)(a) Elections held in months in which a presidential~~  
16 ~~preferential primary election, preferential primary election, general primary~~  
17 ~~election, or general election is scheduled to occur shall be held on the date~~  
18 ~~of the presidential preferential primary election, preferential primary~~  
19 ~~election, general primary election, or general election.~~

20 ~~(b)(1)(A) If an election is held on the date of the presidential~~  
21 ~~preferential primary election, preferential primary election, or general~~  
22 ~~primary election, the issue or issues to be voted upon at the election shall~~  
23 ~~be included on the ballot of each political party.~~

24 ~~(B) However, separate ballots containing only the issue or~~  
25 ~~issues to be voted upon at the election shall be prepared and made available~~  
26 ~~to voters requesting a separate ballot.~~

27 ~~(2) No voter shall be required to vote in a political party's~~  
28 ~~presidential preferential primary, preferential primary, or general primary~~  
29 ~~in order to be able to vote in the election.~~

30 ~~(ii) Elections scheduled to occur in a month in~~  
31 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
32 ~~Tuesday of the month.~~

33 (e) The question on the ballot shall be as follows:  
34

35 "FOR Paid Nonuniformed Employees pensions and the levying of a mill tax of  
36 (amount here designated on ballot not exceeding one and one-half (1 1/2)

1 mills) therefor .....[ ]

2  
3 AGAINST Paid Nonuniformed Employees pensions and the levying of a mill tax  
4 of (amount here designated on ballot not exceeding one and one-half  
5 (11/2) mills) therefor  
6 .....[ ]".

7  
8 SECTION 88. Arkansas Code § 26-52-605 is amended to read as follows:  
9 26-52-605. Election proceedings.

10 (a) The governing body of an Arkansas border city or town, as  
11 described in § 26-52-602, by ordinance, may call a special election, or, upon  
12 petition of not less than ten percent (10%) of the qualified electors of the  
13 Arkansas border city or town, as determined by the number of votes cast in  
14 the Arkansas border city or town for all candidates for election to the  
15 Office of Governor of Arkansas in the immediately preceding general election,  
16 filed with the city clerk of the city or town petitioning that a special  
17 election be called, a special election shall be called in accordance with §  
18 7-5-103(b) in the city or town on the question of the imposition of an  
19 additional state tax of one percent (1%) upon the gross receipts or gross  
20 proceeds derived from taxable sales within the border city or town under the  
21 provisions of the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.,  
22 and the proceeds derived therefrom shall benefit the State of Arkansas in  
23 lieu of the state income tax law applying to the net taxable income derived  
24 by individuals who are residents of the border city or town.

25 (b)(1) The special election shall be called not later than ~~ninety (90)~~  
26 ~~days nor earlier than forty five (45)~~ one hundred twenty (120) days following  
27 the adoption of the ordinance by the governing body of the city or town, or  
28 the filing of a petition requesting the special election.

29 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
30 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

31 ~~(B)(i)(a) A special election held in a month in which a~~  
32 ~~presidential preferential primary election, preferential primary election,~~  
33 ~~general primary election, or general election is scheduled to occur shall be~~  
34 ~~held on the date of the presidential preferential primary election,~~  
35 ~~preferential primary election, general primary election, or general election.~~

36 ~~(b)(1)(A) If a special election is held on the date of the~~

~~presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party.~~

~~(B) However, a separate ballot containing only the issue or issues to be voted upon at the special election shall be prepared and made available to a voter requesting a separate ballot.~~

~~(2) No voter shall be required to vote in a political party's presidential preferential primary election, preferential primary election, or general primary election in order to be able to vote in the special election.~~

~~(ii) A special election scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

(c) Notice of the special election shall be given by publication in some newspaper of general circulation within the Arkansas border city or town on two (2) occasions not more than thirty (30) days and not less than ten (10) days prior to the date of the special election.

(d) The special election shall be held by the county board of election commissioners, and the special election judges and clerks shall be selected and the special election shall be conducted and the results shall be tabulated and certified in the manner now provided by law for the holding of elections in this state.

(e) On the ballot shall be printed the following issue:

[ ] FOR the levy of an additional one percent (1%) state gross receipts tax in the City of . . . . . County, Arkansas, in lieu of paying state income taxes by individuals who are residents of said city (town).

[ ] AGAINST the levy of an additional one percent (1%) state gross receipts tax in the City of . . . . . County, Arkansas, in lieu of paying state income taxes by individuals who are residents of said city (town).

(f) The voter shall cast the vote of his or her choice by placing an "X" opposite the issue of his or her choice.

SECTION 89. Arkansas Code § 26-73-111 is amended to read as follows:

1           26-73-111. Special local sales and use tax - Election.

2           (a) On the date of the adoption of an ordinance levying a special  
3 local sales and use tax for the benefit of a county, city, or town, the  
4 county, city, or town shall provide, by ordinance, for calling and holding a  
5 special election on the question.

6           (b) The special election shall be in accordance with § 7-5-103(b) and  
7 conducted in the manner provided by law for all county or municipal elections  
8 unless otherwise specified in this section.

9           (c)~~(1)~~ The special election shall be called for a date ~~within~~ not  
10 later than one hundred twenty (120) days from the date of the action of the  
11 governing body in establishing the date of the special election.

12           ~~(2)(A) The special election shall occur on the second Tuesday of~~  
13 ~~any month, except as provided in subdivision (c)(2)(B) of this section.~~

14           ~~(B)(i)(a) A special election held in a month in which a~~  
15 ~~presidential preferential primary election, preferential primary election,~~  
16 ~~general primary election, or general election is scheduled to occur shall be~~  
17 ~~held on the date of the presidential preferential primary election,~~  
18 ~~preferential primary election, general primary election, or general election.~~

19           ~~(b)(1)(A) If a special election is held on the date of the~~  
20 ~~presidential preferential primary election, preferential primary election, or~~  
21 ~~general primary election, the issue or issues to be voted upon at the special~~  
22 ~~election shall be included on the ballot of each political party.~~

23           ~~(B) However, a separate ballot containing only the issue~~  
24 ~~or issues to be voted upon at the special election shall be prepared and made~~  
25 ~~available to a voter requesting a separate ballot.~~

26           ~~(2) No voter shall be required to vote in a political party's~~  
27 ~~presidential preferential primary election, preferential primary election, or~~  
28 ~~general primary election in order to be able to vote in the special election.~~

29           ~~(ii) A special election scheduled to occur in a~~  
30 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
31 ~~third Tuesday of the month.~~

32           (d)(1) The governing body of the county or municipality shall notify  
33 the county board of election commissioners that the measure has been referred  
34 to a vote of the people and shall submit a copy of the ballot title to the  
35 county board of election commissioners.

36           (2) The ballot title to be used at the special election shall be

1 substantially in the following form:

2

3 [ ] "FOR adoption of a one-fourth of one percent (.25%) special local  
4 sales and use tax within . . . . . (name of county or municipality) for  
5 support of a Public Mass Transportation System and Facilities."

6

7 [ ] "AGAINST adoption of a one-fourth of one percent (.25%) special  
8 local sales and use tax within . . . . . (name of county or municipality)  
9 for support of a Public Mass Transportation System and Facilities."

10

11 SECTION 90. Arkansas Code § 26-74-210(a), concerning the resubmission  
12 of questions of levy or repeal, is amended to read as follows:

13 (a)(1) When the question of the levy or repeal of a county sales and  
14 use tax is submitted to the electors and the proposition is approved or  
15 defeated, the question shall not again be submitted to the electors by  
16 ordinance of the quorum court of the county or by petition of electors at a  
17 special or general election for a period of six (6) months from the date the  
18 proposition was last voted upon.

19 (2)(A) A petition requesting that the issue be submitted to the  
20 electors of the county shall contain the signatures of at least fifteen  
21 percent (15%) of the electors of the county as determined by the total number  
22 of votes cast for all candidates for circuit clerk of the county at the last  
23 preceding general election.

24 (B)(i) The petition shall be filed and verified by the  
25 county clerk.

26 (ii) If the petition is found to be sufficient, the  
27 issue shall be submitted to the electors at a special election ~~or at the next~~  
28 ~~general election~~ on a date as may be requested by the petition.

29 (C)(i) ~~If the petition requests that the issue be~~  
30 ~~submitted at a special election, the~~ The special election shall be called in  
31 accordance with § 7-5-103(b) for a date not ~~less than thirty (30) days nor~~  
32 ~~more than sixty (60)~~ ninety (90) days from the date on which the county clerk  
33 certifies the sufficiency of the petition to the county board of election  
34 commissioners.

35 ~~(ii)(a) The special election shall occur on the~~  
36 ~~second Tuesday of any month, except as provided in subdivision~~

1 ~~(a)(2)(C)(ii)(b) of this section.~~

2 ~~(b)(1)(A) A special election held in a month in which a presidential~~  
3 ~~preferential primary election, preferential primary election, general primary~~  
4 ~~election, or general election is scheduled to occur shall be held on the date~~  
5 ~~of the presidential preferential primary election, preferential primary~~  
6 ~~election, general primary election, or general election.~~

7 ~~(B)(i)(a) If the special election is held on the date of~~  
8 ~~the presidential preferential primary election, preferential primary~~  
9 ~~election, or general primary election, the issue or issues to be voted upon~~  
10 ~~at the special election shall be included on the ballot of each political~~  
11 ~~party.~~

12 ~~(b) However, a separate ballot containing only the issue or issues to~~  
13 ~~be voted upon at the special election shall be prepared and made available to~~  
14 ~~a voter requesting a separate ballot.~~

15 ~~(ii) No voter shall be required to vote in a~~  
16 ~~political party's presidential preferential primary election, preferential~~  
17 ~~primary election, or general primary election in order to be able to vote in~~  
18 ~~the special election.~~

19 ~~(2) A special election scheduled to occur in a month in which~~  
20 ~~the second Tuesday is a legal holiday shall be held on the third Tuesday of~~  
21 ~~the month.~~

22  
23 SECTION 91. Arkansas Code § 26-74-603 is amended to read as follows:  
24 26-74-603. Call for tax election.

25 (a) Any eligible county may by ordinance of its quorum court levy a  
26 countywide sales and use tax in the amount of one-eighth of one percent  
27 (0.125%), one-fourth of one percent (0.25%), one-half of one percent (0.50%),  
28 three-fourths of one percent (0.75%), or one percent (1%) to provide capital  
29 improvements to or the maintenance and operation of an eligible campus.

30 (b)(1)(A) No ordinance shall be adopted by the quorum court of an  
31 eligible county for the purpose of levying a tax under this subchapter unless  
32 the quorum court shall have been requested to adopt the ordinance by the  
33 local board and until a majority of the qualified electors of the eligible  
34 county voting on the question at a ~~general or~~ special election shall have  
35 approved levy of the tax.

36 (B) The election shall be called by ordinance and ~~shall be~~

1 ~~held no earlier than thirty (30) days after the adoption of the ordinance~~  
2 ~~proclamation issued in accordance with § 7-5-103(b).~~

3 (C) The ballot for the election shall be subject to the  
4 approval of the local board.

5 ~~(2)(A) The election shall occur on the second Tuesday of any~~  
6 ~~month, except as provided in subdivision (b)(2)(B) of this section.~~

7 ~~(B)(i)(a) An election held in a month in which a~~  
8 ~~presidential preferential primary election, preferential primary election,~~  
9 ~~general primary election, or general election is scheduled to occur shall be~~  
10 ~~held on the date of the presidential preferential primary election,~~  
11 ~~preferential primary election, general primary election, or general election.~~

12 ~~(b)(1)(A) If the election is held on the date of the presidential~~  
13 ~~preferential primary election, preferential primary election, or general~~  
14 ~~primary election, the issue or issues to be voted upon at the election shall~~  
15 ~~be included on the ballot of each political party.~~

16 ~~(B) However, a separate ballot containing only the issue~~  
17 ~~or issues to be voted upon at the election shall be prepared and made~~  
18 ~~available to a voter requesting a separate ballot.~~

19 ~~(2) No voter shall be required to vote in a political party's~~  
20 ~~presidential preferential primary election, preferential primary election, or~~  
21 ~~general primary election in order to be able to vote in the election.~~

22 ~~(ii) An election scheduled to occur in a month in~~  
23 ~~which the second Tuesday is a legal holiday shall be held on the third~~  
24 ~~Tuesday of the month.~~

25 (c) The quorum court shall notify its county board of election  
26 commissioners that the measure has been referred to the vote of the people  
27 and shall submit a copy of the ordinance calling the election and the  
28 proposed ballot language to its county board of election commissioners.  
29

30 SECTION 92. Arkansas Code § 26-75-208(a), as amended by Act 116 of  
31 2007 and concerning special elections on sale and use taxes, is amended to  
32 read as follows:

33 (a)(1) On the date of the filing of a petition described in § 26-75-  
34 207(b) or on the date of adoption of an ordinance levying a local sales and  
35 use tax for the benefit of the city, or within thirty (30) days following the  
36 filing of the petition described in § 26-75-207(b) or adoption of the



1 ordinance, the city by ordinance shall provide for the calling ~~and holding~~ of  
2 a special election on the question in accordance with § 7-5-103(b).

3 (2)(A) The special election shall be called for a date ~~within no~~  
4 later than one hundred twenty (120) days from the date of action of the  
5 governing body in establishing the date of the special election.

6 ~~(B)(i) The special election shall occur on the second~~  
7 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
8 ~~section.~~

9 ~~(ii) A special election held in a month in which a~~  
10 ~~presidential preferential primary election, preferential primary election,~~  
11 ~~general primary election, or general election is scheduled to occur shall be~~  
12 ~~held on the date of the presidential preferential primary election,~~  
13 ~~preferential primary election, general primary election, or general election.~~

14 ~~(2)(A)(i) If the special election is held on the date of~~  
15 ~~the presidential preferential primary election, preferential primary~~  
16 ~~election, or general primary election, the issue or issues to be voted upon~~  
17 ~~at the special election shall be included on the ballot of each political~~  
18 ~~party.~~

19 ~~(ii) However, a separate ballot containing only the~~  
20 ~~issue or issues to be voted upon at the special election shall be prepared~~  
21 ~~and made available to a voter requesting a separate ballot.~~

22 ~~(B) No voter shall be required to vote in a political~~  
23 ~~party's presidential preferential primary election, preferential primary~~  
24 ~~election, or general primary election in order to be able to vote in the~~  
25 ~~special election.~~

26 ~~(b) A special election scheduled to occur in a month in which the~~  
27 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
28 ~~month.~~

29 (3) The date for the special election may be the same as the  
30 date for the next regular municipal election if the next regular municipal  
31 election is to be held within the one-hundred-twenty-day period.

32 (4) The governing body of the city shall notify the county board  
33 of election commissioners that the question has been referred to the vote of  
34 the people and shall submit a copy of the ballot title to the county board of  
35 election commissioners.

36

1 SECTION 93. Arkansas Code § 26-75-213 is amended to read as follows:  
2 26-75-213. Resubmission of question of levy or repeal.

3 (a)(1) Except as provided in § 26-75-210 and in subsection (b) of this  
4 section, when the question of the levy or repeal of a city sales and use tax  
5 is submitted to the electors and the proposition is approved or defeated, the  
6 question shall not again be submitted to the electors by ordinance of the  
7 governing body of the city or by a petition of electors for a period of six  
8 (6) months from the date the question was last voted upon.

9 (2) A petition requesting that the question be submitted to the  
10 electors of the city shall contain the signatures of at least fifteen percent  
11 (15%) of the electors of the city as determined by the total number of votes  
12 cast for all candidates for mayor of the city at the last preceding general  
13 election.

14 (3)(A) The petition shall be filed with and verified by the city  
15 clerk.

16 (B) If the petition is found to be sufficient, the  
17 question shall be submitted to the electors at a special election ~~or the next~~  
18 ~~general election~~ on a date as may be requested by the petition.

19 (4)(A) ~~If the petition requests that the question be submitted~~  
20 ~~at a special election, the~~ The special election shall be called in accordance  
21 with § 7-5-103(b) for a date not ~~less than thirty (30) days nor more than~~  
22 ~~sixty (60) ninety (90)~~ ninety (90) days from the date on which the city clerk certifies  
23 the sufficiency of the petition to the governing body of the city.

24 ~~(B)(i) The special election shall occur on the second~~  
25 ~~Tuesday of any month, except as provided in subdivision (a)(4)(B)(ii) of this~~  
26 ~~section.~~

27 ~~(ii) A special election held in a month in which a~~  
28 ~~presidential preferential primary election, preferential primary election,~~  
29 ~~general primary election, or general election is scheduled to occur shall be~~  
30 ~~held on the date of the presidential preferential primary election,~~  
31 ~~preferential primary election, general primary election, or general election.~~

32 ~~(2)(A)(i) If the special election is held on the date of the~~  
33 ~~presidential preferential primary election, preferential primary election, or~~  
34 ~~general primary election, the issue or issues to be voted upon at the special~~  
35 ~~election shall be included on the ballot of each political party.~~

36 ~~(ii) However, a separate ballot containing only the~~

1 ~~issue or issues to be voted upon at the special election shall be prepared~~  
2 ~~and made available to a voter requesting a separate ballot.~~

3 ~~(B) No voter shall be required to vote in a political~~  
4 ~~party's presidential preferential primary election, preferential primary~~  
5 ~~election, or general primary election in order to be able to vote in the~~  
6 ~~special election.~~

7 ~~(b) A special election scheduled to occur in a month in which the~~  
8 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
9 ~~month.~~

10 (b) In any city in which a local sales and use tax has been adopted in  
11 the manner provided for in this subchapter and all or any portion pledged to  
12 secure the payment of lease rentals or bonds as authorized by this  
13 subchapter, that portion of the tax pledged to the payment of lease rentals  
14 or bonds shall not be repealed, abolished, or reduced so long as the lease is  
15 in effect or any of the bonds are outstanding.

16  
17 SECTION 94. Arkansas Code § 26-75-308(a), as amended by Act 116 of  
18 2007 and concerning special elections to approve a local sales and use tax,  
19 is amended to read as follows:

20 (a)(1) On the date of the filing of a petition described in § 26-75-  
21 307(b) or on the date of adoption of an ordinance levying a local sales and  
22 use tax for the benefit of the city, or within thirty (30) days following the  
23 filing of the petition described in § 26-75-307(b) or adoption of the  
24 ordinance, the city by ordinance shall provide for the calling and holding of  
25 a special election on the question in accordance with § 7-5-103(b).

26 (2)(A) The special election shall be called for a date ~~within no~~  
27 later than one hundred twenty (120) days from the date of action of the  
28 governing body in establishing the date of special election.

29 ~~(B)(i) The special election shall occur on the second~~  
30 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
31 ~~section.~~

32 ~~(ii) A special election held in a month in which a~~  
33 ~~presidential preferential primary election, preferential primary election,~~  
34 ~~general primary election, or general election is scheduled to occur shall be~~  
35 ~~held on the date of the presidential preferential primary election,~~  
36 ~~preferential primary election, general primary election, or general election.~~

1           ~~(2)(A)(i) If the special election is held on the date of the~~  
2 ~~presidential preferential primary election, preferential primary election, or~~  
3 ~~general primary election, the issue or issues to be voted upon at the special~~  
4 ~~election shall be included on the ballot of each political party.~~

5                     ~~(ii) However, a separate ballot containing only the~~  
6 ~~issue or issues to be voted upon at the special election shall be prepared~~  
7 ~~and made available to a voter requesting a separate ballot.~~

8                     ~~(B) No voter shall be required to vote in a political~~  
9 ~~party's presidential preferential primary election, preferential primary~~  
10 ~~election, or general primary election in order to be able to vote in the~~  
11 ~~special election.~~

12           ~~(b) A special election scheduled to occur in a month in which the~~  
13 ~~second Tuesday is a legal holiday shall be held on the third Tuesday of the~~  
14 ~~month.~~

15           (3) The governing body of the city shall notify the county board  
16 of election commissioners that the question has been referred to the vote of  
17 the people and shall submit a copy of the ballot title to the county board of  
18 election commissioners.

19  
20           SECTION 95. Arkansas Code § 26-75-404(a), concerning the requirements  
21 and procedure for elections on local sales and use taxes, is amended to read  
22 as follows:

23           (a)(1) When the governing body of any city or town adopts an ordinance  
24 levying a local sales and use tax as authorized in this subchapter, the  
25 governing body shall provide, either in the ordinance levying the tax or in a  
26 separate ordinance, for submission of the question of the levy to the  
27 qualified electors of the city or town either at the next regular municipal  
28 election or at a special election.

29           ~~(2)(A) If the ordinance provides for submitting the question at~~  
30 ~~a special election, the election shall be called in accordance with § 7-5-~~  
31 ~~103(b) for a date not less than sixty (60) nor more than ninety (90) days~~  
32 ~~from the date of the adoption of the ordinance calling the special election.~~

33                     ~~(B)(i) The special election shall occur on the second~~  
34 ~~Tuesday of any month, except as provided in subdivision (a)(2)(B)(ii) of this~~  
35 ~~section.~~

36                     ~~(ii) A special election held in a month in which a~~

~~1 presidential preferential primary election, preferential primary election,  
2 general primary election, or general election is scheduled to occur shall be  
3 held on the date of the presidential preferential primary election,  
4 preferential primary election, general primary election, or general election.~~

~~5 (2)(A)(i) If the special election is held on the date of the  
6 presidential preferential primary election, preferential primary election, or  
7 general primary election, the issue or issues to be voted upon at the special  
8 election shall be included on the ballot of each political party.~~

~~9 (ii) However, a separate ballot containing only the  
10 issue or issues to be voted upon at the special election shall be prepared  
11 and made available to a voter requesting a separate ballot.~~

~~12 (B) No voter shall be required to vote in a political  
13 party's presidential preferential primary election, preferential primary  
14 election, or general primary election in order to be able to vote in the  
15 special election.~~

~~16 (b) A special election scheduled to occur in a month in which the  
17 second Tuesday is a legal holiday shall be held on the third Tuesday of the  
18 month.~~

19  
20 SECTION 96. Arkansas Code § 26-78-103 is amended to read as follows:  
21 26-78-103. Procedure for levying.

22 (a)(1) The counties of the state shall have the first opportunity to  
23 levy the County and Municipality Vehicle Tax.

24 (2)(A) Any levy by a county may be upon owners residing  
25 everywhere in the county or only upon owners residing within the county but  
26 outside the corporate boundaries of all municipalities in the county.

27 (B) That is, the tax must cover the entire county or the  
28 area outside all municipalities and cannot cover some municipalities and omit  
29 others.

30 (3) This levy may be in any amount not exceeding the authorized  
31 maximum.

32 (4) A municipality in a county may levy the tax only if the  
33 county quorum court, by the time of adjournment of its regular annual session  
34 in any calendar year, has failed to levy the tax upon the owners residing  
35 within the corporate limits of the municipality or if, by the time of  
36 adjournment, the court has not levied the full amount of the authorized tax

1 for the next calendar year at the regular annual session or at any special  
2 session held in any calendar year prior to its regular annual session in the  
3 calendar year.

4 (5) Each levy by the county quorum court or by the governing  
5 body of the municipality shall be for collection during the calendar year  
6 next following the year in which the levy is made and, except in the case  
7 when bonds are issued as authorized, unless the levy is again made, the tax  
8 shall drop at the expiration of the calendar year for which collected and  
9 shall not again be collected until levied by the county quorum court by the  
10 time of adjournment of the regular annual session of the county quorum court  
11 or thereafter by the governing body of a municipality, as indicated.

12 (b)(1) Notwithstanding other provisions of this chapter, before the  
13 tax levied by any county quorum court upon owners residing everywhere in the  
14 county or only upon owners residing within the county but outside the  
15 corporate boundaries of all municipalities in the county may be collected,  
16 the county court shall call a special election in accordance with § 7-5-  
17 103(b) upon the first levy of the tax by the county quorum court, to be held  
18 not ~~less than twenty (20) days nor more than sixty (60)~~ ninety (90) days from  
19 the date of the adoption of the levy of the tax by the quorum court, at which  
20 the qualified electors of the area to be affected by the tax shall vote on  
21 the question of the levy of the tax.

22 ~~(2)(A) The special election shall occur on the second Tuesday of~~  
23 ~~any month, except as provided in subdivision (b)(2)(B) of this section.~~

24 ~~(B)(i)(a) A special election held in a month in which a~~  
25 ~~presidential preferential primary election, preferential primary election,~~  
26 ~~general primary election, or general election is scheduled to occur shall be~~  
27 ~~held on the date of the presidential preferential primary election,~~  
28 ~~preferential primary election, general primary election, or general election.~~

29 ~~(b)(1)(A) If the special election is held on the date of the~~  
30 ~~presidential preferential primary election, preferential primary election, or~~  
31 ~~general primary election, the issue or issues to be voted upon at the special~~  
32 ~~election shall be included on the ballot of each political party.~~

33 ~~(B) However, a separate ballot containing only the issue~~  
34 ~~or issues to be voted upon at the special election shall be prepared and made~~  
35 ~~available to a voter requesting a separate ballot.~~

36 ~~(2) No voter shall be required to vote in a political party's~~

1 ~~presidential preferential primary election, preferential primary election, or~~  
2 ~~general primary election in order to be able to vote in the special election.~~

3 ~~(ii) A special election scheduled to occur in a~~  
4 ~~month in which the second Tuesday is a legal holiday shall be held on the~~  
5 ~~third Tuesday of the month.~~

6 ~~(3)(2)~~ If at the special election a majority of the qualified  
7 electors of the area affected by the tax voting on the issue at the special  
8 election shall vote for the levy of the tax, the tax may be thereafter levied  
9 in the area in the manner authorized in subsection (a) of this section, and  
10 it shall not be necessary that an election be called again in the area on the  
11 question of levying the tax.

12 ~~(4)(3)~~ If a majority of the qualified electors of the affected  
13 area voting on the issue at the special election shall vote against the levy  
14 of the tax, the tax shall not be levied in the area.

15 ~~(5)(4)~~ The quorum court of the county at any subsequent annual  
16 meeting may propose the levy of the tax, and the election on the tax shall be  
17 called as provided in this section.

18 ~~(6)(5)~~ A special election held pursuant to this chapter shall be  
19 conducted in accordance with the election laws of this state, and the form of  
20 the ballot, the method of voting, the counting, tabulation, and certification  
21 of the special election results shall be in the manner provided by law.

22 (c)(1) Any tax levied by any municipality under the provisions of this  
23 chapter for the first time prior to July 1, 1967, and without the calling of  
24 a special election of the qualified electors of the municipality, shall  
25 continue in full force and effect without the calling of an election.

26 (2) However, before the tax levied by the governing body of any  
27 municipality for the first time after July 1, 1967, upon vehicle owners  
28 residing in the municipality may be collected, the mayor shall call a special  
29 election in accordance with § 7-5-103(b) to be held not ~~less than twenty (20)~~  
30 ~~days nor more than sixty (60)~~ ninety (90) days from the date of the adoption  
31 of the levy of the tax by the governing body of the municipality, at which  
32 the qualified electors of the municipality shall vote on the question of the  
33 levy of the tax.

34 ~~(3)(A) The special election shall occur on the second Tuesday of~~  
35 ~~any month, except as provided in subdivision (c)(3)(B) of this section.~~

36 ~~(B)(i)(a) A special election held in a month in which a~~

~~presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.~~

~~(b)(1)(A) If the special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party.~~

~~(B) However, a separate ballot containing only the issue or issues to be voted upon at the special election shall be prepared and made available to a voter requesting a separate ballot.~~

~~(2) No voter shall be required to vote in a political party's presidential preferential primary election, preferential primary election, or general primary election in order to be able to vote in the special election.~~

~~(ii) A special election scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month.~~

~~(3) At the special election, if a majority of the qualified electors of the municipality voting on the issue shall vote for the levy of the tax, the tax may be thereafter levied in the municipality in the manner authorized in subsection (a) of this section, and it shall not be necessary that an election be called again in the municipality on the question of levying the tax.~~

~~(4) If a majority of the qualified electors of the municipality voting on the issue at the special election shall vote against the levy of the tax, the tax shall not be levied in the municipality.~~

~~(5) However, the governing body of the municipality at any time after the expiration of one (1) year from the election in the municipality may propose the levy of the tax, and the election on the tax shall be called as provided in this section.~~

~~(6) A special election held pursuant to this chapter shall be conducted in accordance with the election laws of this state, and the form of the ballot, the method of voting, the counting, tabulation, and certification of the special election results shall be in the manner provided by law.~~

SECTION 97. Arkansas Code § 27-64-206(a), concerning elections on the



1 issuance of bonds, is amended to read as follows:

2 27-64-206. Election.

3 (a)~~(1)~~ No bonds shall be issued under this subchapter unless the  
4 issuance of bonds has been approved by a majority of the qualified electors  
5 of the state voting on the question at a statewide special election called by  
6 proclamation of the Governor in accordance with § 7-5-103(b).

7 ~~(2)(A) Such an election may be in conjunction with a general  
8 election, or it may be a special election.~~

9 ~~(B)(i) A special election held under this section shall  
10 occur on the second Tuesday of any month, except as provided by subdivision  
11 (a)(2)(B)(ii) of this section.~~

12 ~~(ii) Special elections held in months in which a  
13 presidential preferential primary election, preferential primary election,  
14 general primary election, or general election is scheduled to occur shall be  
15 held on the date of the presidential preferential primary election,  
16 preferential primary election, general primary election, or general election.~~

17 ~~(2)(A)(i) If a special election is held on the date of the  
18 presidential preferential primary election, preferential primary election, or  
19 general primary election, the issue or issues to be voted upon at the special  
20 election shall be included on the ballot of each political party.~~

21 ~~(ii) However, separate ballots containing only the  
22 issue or issues to be voted upon at the special election shall be prepared  
23 and made available to voters requesting a separate ballot.~~

24 ~~(B) No voter shall be required to vote in a political  
25 party's presidential preferential primary, preferential primary, or general  
26 primary in order to be able to vote in the special election.~~

27 ~~(b) Special elections scheduled to occur in a month in which the  
28 second Tuesday is a legal holiday shall be held on the third Tuesday of the  
29 month.~~

30  
31 /s/ Glover

32  
33 APPROVED: 4/4/2007